

SIXTY SIXTH LEGISLATURE - REGULAR SESSION

ONE HUNDRED SECOND DAY

House Chamber, Olympia, Thursday, April 25, 2019

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nick Oberst and Tori Moore. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Bev Hawks, Squaxin Tribal Council Member, Washington.

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

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

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

REPORTS OF STANDING COMMITTEES

April 22, 2019

HB 1708 Prime Sponsor, Representative Blake: Concerning recreational fishing and hunting licenses. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture, & Natural Resources. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Jinkins; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Stanford; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland; Volz and Ybarra.

April 22, 2019

HB 1873 Prime Sponsor, Representative Pollet: Concerning the taxation of vapor products as tobacco products. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Jinkins; Macri; Pettigrew; Pollet; Ryu; Senn; Stanford; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland; Volz and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Springer.

April 22, 2019

HB 2157 Prime Sponsor, Representative Tarleton: Updating the Washington tax structure to address the needs of Washingtonians. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Finance. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Jinkins; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Stanford; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland; Volz and Ybarra.

There being no objection, the bills listed on the day's committee report under the fifth order of business were placed on the second reading calendar.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1652
HOUSE BILL NO. 2140
SENATE BILL NO. 5596

Sarah Bannister, Deputy Secretary

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

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

INTRODUCTION & FIRST READING

ESSB 5986 by Senate Committee on Ways & Means (originally sponsored by Braun, Keiser, Kuderer and Van De Wege)

AN ACT Relating to establishing a tax on vapor and heated tobacco products to fund cancer research and support local public health; amending RCW 66.08.145, 66.44.010, 82.24.510, 82.24.550, 82.26.060, 82.26.080, 82.26.150, 82.26.220, 82.32.300, 70.345.010, 70.345.030, 70.345.090, 82.24.010, 82.26.020, and 43.06.450; reenacting and amending RCW 82.26.010; adding new sections to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

ESB 6016 by Senators Liias, Rolfes and Hunt

AN ACT Relating to the taxation of international investment management companies; amending RCW 82.04.290, 82.04.293, 82.08.207, and 82.12.207; creating new sections; providing expiration dates; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

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

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

THIRD READING

MESSAGE FROM THE SENATE

April 18, 2019

MR. SPEAKER:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5894 and asks the House to recede therefrom.

and the same are herewith transmitted.

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SUBSTITUTE SENATE BILL NO. 5894 was returned to second reading for the purpose of amendment.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5894, by Senate Committee on Ways & Means (originally sponsored by Braun)

Clarifying that the firefighters' pension levy may continue to be levied to fund benefits under the law enforcement officers' and firefighters' retirement system.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 5, 2019).

Representative Senn moved the adoption of amendment (777) to the committee striking amendment:

On page 2, line 12 of the striking amendment, after "RCW 41.26.150(1)" insert ", however the proceeds of the additional levy must be annually expended for payment of benefits provided under RCW 41.26.150(1) prior to being spent for any other purpose"

Representatives Senn and Stokesbary spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (777) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5894, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5894, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5894, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

MESSAGE FROM THE SENATE

April 15, 2019

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1139 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS—INTENT. (1) The legislature finds that discrete efforts are being made at state and local levels to address the educator shortage, but these efforts need to be streamlined and performed in concert, in order to enhance the effect of these recruitment and retention strategies.

(2) The legislature also reaffirms that excellent, effective educators and educator leaders are essential to the state's ongoing efforts to establish a world-class, globally competitive education system. As acknowledged in Engrossed Substitute House Bill No. 2261 (chapter 548, Laws of 2009), "Teachers, principals, and administrators must be provided with access to the opportunities they need to gain the knowledge and skills that will enable them to be increasingly successful in their classroom and schools. A system that clearly defines, supports, measures, and

recognizes effective teaching and leadership is one of the most important investments to be made."

(3) Therefore, the legislature intends to seize the challenges presented by the educator workforce shortage in Washington to build the capacity of the education system to attract, retain, support, and sustain successful educators through:

- (a) Intentional recruitment strategies;
- (b) Expanding educator training programs;
- (c) Focused financial incentives, assistance, and supports;
- (d) Responsive and responsible retention strategies; and
- (e) Deeper systems evaluation.

PART I

RECRUITMENT—CHARACTERISTICS OF INDIVIDUALS

NEW SECTION. Sec. 101. FINDINGS—INTENT. (1) The legislature finds that effective educators who share their love of learning inspire students to enter into the education profession. The legislature further finds that every category and level of educator should support and inspire the next generation into careers in education.

(2) The legislature finds that a comprehensive effort is needed to repair the disjointed system for attracting persons into certificated educator professions. The legislature acknowledges that Washington is facing a short-term recruitment problem with the immediate need to fill classroom vacancies, but recognizes that it must also solve its long-term recruitment problem by creating a pipeline of interested persons entering into, and remaining in, the educator workforce.

(3) Therefore, the legislature intends to support a multipronged grow-your-own initiative to develop persons from the community, which includes programs that target middle and high school students, paraeducators, military personnel, and career changers who are subject matter experts, and that supports these persons to become educators. The initiative includes:

- (a) Improvements to existing programs and activities, including the recruiting Washington teachers program, the high school career and technical education course called careers in education, and the alternative route teacher certification programs; and
- (b) Development and implementation of additional programs and activities, including the coordination of existing resources that attract persons with needed skills and abilities, improving standards of practice, and reviewing barriers to recruitment.

REGIONAL RECRUITERS

NEW SECTION. Sec. 102. A new section is added to chapter 28A.310 RCW to read as follows:

(1) For the purpose of this section, "educator" means a paraeducator, teacher, principal, administrator, superintendent, school counselor, school psychologist, school social worker, school nurse, school physical therapist, school occupational therapist, or school speech-language pathologist or audiologist.

(2) An educational service district may employ a person whose duties are to provide to local school districts the following services related to educator recruitment:

(a) Serve as a liaison between local school districts and educator preparation programs, between their region and other regions in the state, and between the local school districts and agencies that may be helpful in educator recruitment efforts, including the office of the superintendent of public instruction, the Washington professional educator standards board, the paraeducator board, the student achievement council, the state board for community and technical colleges, the state department of veterans affairs, the state military department, and the workforce training and education coordinating board;

(b) Encourage and support local school districts to develop or expand a recruiting Washington teachers program under RCW 28A.415.370, a career and technical education careers in education program, or an alternative route teacher certification program under chapter 28A.660 RCW;

(c) Provide outreach to community members who may be interested in becoming educators, including high school and college students, subject matter experts, and former military personnel and their spouses;

(d) Support persons interested in becoming educators by providing resources and assistance with navigating transition points on the path to a career in education; and

(e) Provide resources and technical assistance to local school districts on best hiring processes and practices.

(3) A person employed to provide the services described in subsection (2) of this section must be reflective of, and have an understanding of, the local community.

NEW SECTION. Sec. 103. A new section is added to chapter 28A.630 RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must administer the regional educator recruitment program. Grant awards of up to one hundred thousand dollars each must be awarded to the three educational service districts whose school districts have the least access to alternative route teacher certification programs under chapter 28A.660 RCW.

(b) Beginning September 1, 2019, the educational service districts in the program must employ a person with the duties and characteristics specified in section 102 of this

act. The educational service districts in the program must collaborate with the office of the superintendent of public instruction and the Washington association of educational service districts to prepare the report required in (c) of this subsection.

(c) By December 1, 2021, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction, in collaboration with the Washington association of educational service districts, must evaluate the program and submit a report to the appropriate committees of the legislature. At a minimum, the report must: Summarize the activities of the educational service districts in the program with regard to educator recruitment, including the activities described in section 102 of this act, in comparison to the educator recruitment activities of the educational service districts not participating in the program; include any relevant outcome data that is available; and recommend whether the program should be modified, expanded to all educational service districts, or discontinued.

(2) This section expires July 1, 2022.

STUDENTS

Sec. 104. RCW 28A.415.370 and 2007 c 402 s 10 are each amended to read as follows:

HIGH SCHOOL STUDENTS—THROUGH THE RECRUITING WASHINGTON TEACHERS PROGRAM.

(1)(a) The recruiting Washington teachers program is established to recruit and provide training and support for high school students to enter the ((teaching profession)) field of education, especially in ((teacher)) shortage areas ((and among underrepresented groups and multilingual, multicultural students)). The program shall be administered by the Washington professional educator standards board.

(b) As used in this section, "shortage area" has the definition in RCW 28B.102.020.

(2) The program shall consist of the following components:

(a) Targeted recruitment of diverse high school students~~((s))~~ including, but not limited to, students from underrepresented groups and multilingual, multicultural students in grades nine through twelve, through outreach and communication strategies. The focus of recruitment efforts shall be on encouraging students to consider and explore ~~((becoming future teachers in mathematics, science, bilingual education, special education, and English as a second language. Program enrollment is not limited to students from underrepresented groups or multilingual, multicultural students))~~ careers in the field of education;

(b) A high school curriculum that: Provides future ((teachers)) educators with opportunities to observe classroom instruction at all grade levels; includes preteaching internships at all grade levels with a focus on shortage areas; and covers such topics as lesson planning, learning styles, student learning data and information, ~~((the achievement gap))~~ academic disparities among student

subgroups, cultural competency, college success and workforce skills, and education policy;

(c) Academic and community support services (~~for students~~) to help (~~them~~) students overcome possible barriers to becoming future (~~teachers~~) educators, such as supplemental tutoring; advising on college readiness and college course selection, college applications, and financial aid processes and financial education opportunities; and mentoring. Support services for program participants may continue from high school through the first two years of college; and

(d) Future (~~teacher~~) educator camps held on college campuses where high school students can: Acclimate to the campus, resources, and culture; attend workshops; and interact with college faculty, teacher candidates, and (~~current~~) certificated teachers.

(3) As part of its administration of the program, the Washington professional educator standards board shall:

(a) Develop the curriculum and program guidelines in consultation with an advisory group of teachers, representatives of teacher preparation programs, teacher candidates, high school students, and representatives of diverse communities;

(b) Subject to (~~funds~~) the availability of amounts appropriated for this specific purpose, allocate grant funds through a competitive process to partnerships of high schools, teacher preparation programs, and community-based organizations to design and deliver programs that include the components under subsection (2) of this section. The board must prioritize grants to partnerships that also have a running start program under chapter 28A.600 RCW; and

(c) Conduct (~~an~~) periodic evaluations of the effectiveness of current strategies and programs for recruiting (~~teachers~~) educators, especially multilingual, multicultural (~~teachers~~) educators, in Washington and in other states. The board shall use the findings from the evaluation to revise the recruiting Washington teachers program as necessary and make other recommendations to teacher preparation programs or the legislature.

Sec. 105. RCW 28A.180.120 and 2017 c 236 s 4 are each amended to read as follows:

~~(In 2017, funds must be appropriated for the purposes in this section.)~~

(1) The Washington professional educator standards board, beginning in the 2017-2019 biennium, shall administer the bilingual educator initiative, which is a long-term program to recruit, prepare, and mentor bilingual high school students to become future bilingual teachers and counselors.

(2) Subject to the availability of amounts appropriated for this specific purpose, pilot projects must be implemented in one or two school districts east of the crest of the Cascade mountains and one or two school districts west of the crest of the Cascade mountains, where immigrant

students are shown to be rapidly increasing. Districts selected by the Washington professional educator standards board must partner with at least one two-year and one four-year college in planning and implementing the program. The Washington professional educator standards board shall provide oversight.

(3) Participating school districts must implement programs, including: (a) An outreach plan that exposes the program to middle school students and recruits them to enroll in the program when they begin their ninth grade of high school; (b) activities in ninth and tenth grades that help build student agency, such as self-confidence and awareness, while helping students to develop academic mind-sets needed for high school and college success; the value and benefits of teaching and counseling as careers; and introduction to leadership, civic engagement, and community service; (c) credit-bearing curricula in grades eleven and twelve that include mentoring, shadowing, best practices in teaching in a multicultural world, efficacy and practice of dual language instruction, social and emotional learning, enhanced leadership, civic engagement, and community service activities.

(4) There must be a pipeline to college using two-year and four-year college faculty and consisting of continuation services for program participants, such as advising, tutoring, mentoring, financial assistance, and leadership.

(5) High school and college teachers and counselors must be recruited and compensated to serve as mentors and trainers for participating students.

(6) After obtaining a high school diploma, students qualify to receive conditional loans to cover the full cost of college tuition, fees, and books. To qualify for funds, students must meet program requirements as developed by their local implementation team, which consists of staff from their school district and the partnering two-year and four-year college faculty.

(7) In order to avoid loan repayment, students must (a) earn their baccalaureate degree and certification needed to serve as a teacher or professional guidance counselor; and (b) teach or serve as a counselor in their educational service district region for at least five years. Students who do not meet the repayment terms in this subsection are subject to repaying all or part of the financial aid they receive for college unless students are recipients of funding provided through programs such as the state need grant program or the college bound scholarship program.

(8) Grantees must work with the Washington professional educator standards board to draft the report required in section 6, chapter 236, Laws of 2017.

(9) The Washington professional educator standards board must use the findings from the evaluation conducted under RCW 28A.415.370 to revise the bilingual educator initiative as necessary.

(10) The Washington professional educator standards board may adopt rules to implement this section.

CAREER CHANGERS

Sec. 106. RCW 28A.660.020 and 2017 c 14 s 1 are each amended to read as follows:

SUBJECT MATTER EXPERTS—THROUGH ALTERNATIVE ROUTES.

(1) ~~(The professional educator standards board shall transition the alternative route partnership grant program from a separate competitive grant program to a preparation program model to be expanded among approved preparation program providers.)~~ (a) Alternative route(s) programs are partnerships between Washington professional educator standards board-approved preparation programs, Washington school districts, and other partners as appropriate. Program design of alternative route programs ~~(shall continue to)~~ must evolve over time to reflect innovations and improvements in educator preparation.

(b) The Washington professional educator standards board must construct rules that address the competitive grant process and program design.

(2) As provided in RCW 28A.410.210, it is the duty of the Washington professional educator standards board to establish policies for the approval of nontraditional preparation programs and to provide oversight and accountability related to the quality of these programs. In establishing and amending rules for alternative route programs, the Washington professional educator standards board shall:

(a) Uphold design criteria for alternative route programs ~~(design)~~ that ~~(is)~~ are innovative and reflect(s) evidence-based practice;

(b) Ensure that approved partnerships reflect district engagement in their resident alternative route program as an integral part of their future workforce development, as well as school and student learning improvement strategies;

(c) ~~(Amend or adopt rules issuing preservice residents certification)~~ Issue certificates necessary for student teachers to serve as substitute teachers in classrooms within the residency school for up to ten days per school year;

(d) ~~(Continue to)~~ Prioritize program designs tailored to the needs of experienced paraeducators and candidates of high academic attainment in, or with occupational industry experience relevant to, the subject area they intend to teach. In doing so the program designs must take into account school district demand for certain teacher credentials;

(e) Expand access and opportunity for individuals to become teachers statewide; and

(f) Give preference in admissions to applicants for alternative route programs who are eligible veterans or national guard members and who meet the entry requirements for the alternative route program.

(3) Beginning December 1, 2017, and by December 1st each odd-numbered year thereafter, the Washington

professional educator standards board shall report to the education committees of the house of representatives and the senate the following outcomes as indicators that alternative route programs are meeting legislative intent through the regulation and oversight of the Washington professional educator standards board. In considering administrative rules for, and reporting outcomes of, alternative route programs, the Washington professional educator standards board shall examine the ~~(historical record of the data, reporting on)~~ following data on alternative route program participants:

(a) The number and percentage ~~(of alternative route completers)~~ hired as certificated teachers;

(b) The percentage ~~(of alternative route completers)~~ from underrepresented populations;

(c) Three-year and five-year retention rates of ~~(alternative route completers)~~ participants hired as certificated teachers;

(d) The average hiring dates ~~(of alternative route completers)~~; and

(e) The percentage ~~(of alternative route completers)~~ hired ~~(in)~~ by districts (where) in which the participants completed their alternative route programs (was completed).

(4) ~~(To the extent funds are)~~ Subject to the availability of amounts appropriated for this specific purpose, alternative route programs may apply for program funds to pay stipends to trained mentor teachers of interns during the mentored internship. The per intern amount of mentor stipend provided by state funds shall not exceed five hundred dollars.

Sec. 107. RCW 28A.660.035 and 2017 c 14 s 2 are each amended to read as follows:

COMMUNITY MEMBERS—THROUGH ALTERNATIVE ROUTES.

The office of the superintendent of public instruction shall identify school districts that have the most significant ~~(achievement gaps)~~ academic disparities among subgroups of students and for large numbers of those students, and districts that should receive priority for assistance in advancing cultural competency skills in their workforce. The Washington professional educator standards board shall provide assistance to the identified school districts to develop partnership ~~(grant)~~ programs between the districts and teacher preparation programs to provide alternative route programs under RCW 28A.660.020 and to recruit paraeducators and other ~~(individuals)~~ persons in the local community to become ~~(certified)~~ certificated as teachers. An alternative route partnership program proposed by an identified school district shall receive priority eligibility for partnership grants under RCW 28A.660.020. To the maximum extent possible, the board shall coordinate the recruiting Washington teachers program under RCW 28A.415.370 with the alternative route partnership programs under this section.

NEW SECTION. Sec. 108. MILITARY PERSONNEL AND THEIR SPOUSES—REVIEW BARRIERS TO RECRUITMENT. (1) The Washington professional educator standards board shall convene a work group to examine and make recommendations on recruitment of military personnel and their spouses into educator positions within the school districts. For the purpose of this section, "educator" means a paraeducator, teacher, principal, administrator, superintendent, school counselor, school psychologist, school social worker, school nurse, school physical therapist, school occupational therapist, or school speech-language pathologist or audiologist.

(2) The members of the work group must include representatives from the office of the superintendent of public instruction, the state department of veterans affairs, the state military department, the United States department of defense, educator preparation programs, and state educator associations, and a superintendent from a school district in the vicinity of a military installation.

(3) The work group must review the barriers that exist to former military personnel becoming educators in Washington, including obtaining academic credit for prior learning and financial need.

(4) Staff support for the work group must be provided by the Washington professional educator standards board.

(5) By December 1, 2019, and in compliance with RCW 43.01.036, the work group shall report its findings and recommendations to the appropriate committees of the legislature.

(6) This section expires July 1, 2020.

NEW SECTION. Sec. 109. A new section is added to chapter 28A.630 RCW to read as follows:

EDUCATIONAL SERVICE DISTRICT ALTERNATIVE ROUTE PILOT PROGRAM.

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington professional educator standards board shall distribute grants to an educational service district that volunteers to pilot an alternative route teacher certification program, under chapter 28A.660 RCW. The purpose of the grant is to provide financial assistance to teacher candidates enrolled in the educational service district's alternative route teacher certification program with the intent to pursue an initial teacher certificate. The Washington professional educator standards board must provide a grant sufficient to provide up to five thousand dollars of financial assistance for up to twenty teacher candidates in the 2019-20 school year and for up to thirty teacher candidates in the 2020-21 school year.

(b) In piloting the program, the educational service district must:

(i) Engage retired or practicing teachers and administrators who are knowledgeable and experienced

classroom teachers to inform the development and curriculum of the program;

(ii) Provide extended support and mentoring through the first three years of a teacher's career, using the components of the beginning educator support team, under RCW 28A.415.265;

(iii) Support school districts in developing school staff and community members to become teachers, so that the district's teachers better reflect the region's demographics, values, and interests; and

(iv) Provide opportunities for classified staff to become teachers.

(2) By November 1, 2024, the volunteer educational service district must report to the Washington professional educator standards board with the outcomes of the pilot and any recommendations for implementing alternative route teacher certification programs in other educational service districts. The report must include the following data: (a) The number of teacher candidates applying for, and completing, the alternative route teacher certification program; (b) the number of program completers who are hired as teachers, both in the educational service district and elsewhere in the state; and (c) the retention of teachers in the educational service district before and after implementation of the pilot. The data must be disaggregated by race and ethnicity, gender, type of endorsement, and school. The report must also include feedback from school principals and teachers in the local school districts on the quality of the teacher candidates they worked with during the pilot.

(3) By December 1, 2024, and in compliance with RCW 43.01.036, the Washington professional educator standards board must submit the educational service district's report, required under subsection (2) of this section, to the appropriate committees of the legislature, with recommendations for whether the pilot program should be expanded, modified, or terminated.

(4) This section expires August 1, 2025.

PART II

FINANCIAL INCENTIVES, ASSISTANCE, AND SUPPORTS

NEW SECTION. Sec. 201. FINDINGS—INTENT. (1) The legislature finds that financial incentives, assistance, and supports are essential to recruit and retain persons into educator positions within the public common school system. In order to have the most impact, these incentives, assistance, and supports must be related explicitly and directly to the legislature's objectives for recruiting and retaining an educator workforce that will best serve diverse student populations, as well as meet the state's short-term and long-term educator workforce needs.

(2) Therefore, the legislature intends to:

(a) Promote effective incentives, assistance, and supports;

(b) Remove barriers and disincentives; and

(c) Enhance and encourage capacity-building for and coordination between educator preparation programs and the public common school system, especially in underserved areas.

(3) The legislature finds that conditional scholarship and loan repayment programs are effective tools to attract persons into the profession of education and to encourage future teachers to seek certifications in shortage areas. Therefore, the legislature intends to utilize conditional scholarships to recruit candidates to meet targeted needs in education and to assist with keeping new educators in the profession during the early years of their career. The legislature recognizes that the state need grant does not meet the needs of many qualified students, so conditional scholarships are intended to be provided in a "last dollar in" model. The legislature also intends for loan repayment programs to help retain certificated educators who are already working in the public common schools.

(4) The legislature finds that the location and characteristics of a student teacher's field placement are strong predictors of where the teacher takes his or her first job. Therefore, the legislature intends to encourage the appropriate placement of student teachers, especially in high-need subject and geographic areas. In addition, the legislature intends to continue providing grants for student teachers at Title I public common schools.

FIELD PLACEMENTS

Sec. 202. RCW 28B.10.033 and 2016 c 233 s 10 are each amended to read as follows:

FIELD PLACEMENT PLANS.

(1) ~~((By July 1, 2018,)) (a) Each ((institution of higher education with a)) Washington professional educator standards board-approved teacher preparation program, including an alternative route teacher certification program, must develop a plan describing how the ((institution of higher education)) program will partner with school districts in the general geographic region of the ((school, or where its programs are offered,)) program regarding field placement of ((resident)) student teachers. The plans must be developed in collaboration with school districts desiring to partner with the ((institutions of higher education)) programs, and may include use of unexpended federal or state funds to support residencies and mentoring for students who are likely to continue teaching in the district in which they have a supervised ((student teaching residency)) field placement.~~

(b) Beginning July 1, 2020, the following goals must be considered when developing the plans required under this section:

(i) Field placement of student teachers should be targeted to high-need subject areas, including special education and English learner, and high-need geographic areas, including Title I and rural schools; and

(ii) Student teacher mentors should be highly effective as evidenced by the mentors having received level 3 or above on both criteria 3 (recognizing individual student learning needs and developing strategies to address those needs) and criteria 6 (using multiple student data elements to modify instruction and improve student learning) on their most recent comprehensive performance evaluation under RCW 28A.405.100. Student teacher mentors should also have received or be concurrently receiving professional development in mentoring skills.

(2) The plans required under subsection (1) of this section must be submitted to the Washington professional educator standards board and updated ((at least biennially)) by July 1st every even-numbered year.

(3) The Washington professional educator standards board shall post the plans and updates required under this section on its web site.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.410 RCW to read as follows:

FIELD PLACEMENT PLANS.

Each Washington professional educator standards board-approved teacher preparation program, including an alternative route teacher certification program, must develop a plan regarding field placement of student teachers in accordance with RCW 28B.10.033.

NEW SECTION. Sec. 204. A new section is added to chapter 28A.630 RCW to read as follows:

FIELD PLACEMENT REPORT.

By December 1, 2019, and in compliance with RCW 43.01.036, the student achievement council, in cooperation with the Washington professional educator standards board-approved teacher preparation programs, the Washington state school directors' association, and the rural education center at Washington State University, must submit a report to the appropriate committees of the legislature. The report must include policy recommendations to encourage or require the Washington professional educator standards board-approved teacher preparation programs to develop relationships with, and provide supervisory support for field placements of student teachers in, school districts that are not in the general geographic area of an approved teacher preparation program.

NEW SECTION. Sec. 205. A new section is added to chapter 28B.10 RCW to read as follows:

REMOTE SUPERVISION TECHNOLOGY.

(1) Subject to the availability of amounts appropriated for this specific purpose, Central Washington University shall acquire the necessary audiovisual technology and equipment for university faculty to remotely supervise student teachers in ten schools.

(2) A school selected for the purposes of remote supervision of student teachers under this section must be a rural public school that currently is unable to have student teachers from Central Washington University's teacher preparation program due to its geographic location.

Sec. 206. RCW 28B.76.699 and 2016 c 233 s 17 are each amended to read as follows:

GRANTS FOR STUDENT TEACHERS AT TITLE I SCHOOLS.

(1) Subject to the availability of amounts appropriated for this specific purpose, the office shall administer a student teaching ~~((residency))~~ grant program to provide additional funds to ~~((individuals completing))~~ student ~~((teaching residencies))~~ teachers at Title I public common schools in Washington.

(2) To qualify for the grant, recipients must be enrolled in a Washington professional educator standards board-approved teacher preparation program, be completing or about to start ~~((a))~~ student teaching ~~((residency))~~ at a Title I public common school, and demonstrate financial need, as defined by the office and consistent with the income criteria required to receive the state need grant established in chapter 28B.92 RCW or applicable rules.

(3)(a) Beginning December 1, 2020, and in compliance with RCW 43.01.036, the office must submit a biennial report to the appropriate committees of the legislature. The report must provide the following information:

(i) Aggregate data on the number of persons who applied for and received the grants awarded under this section, including teacher preparation program type, student teaching school district, and award amount;

(ii) To the maximum extent practicable, aggregate data on where grant recipients are teaching two years and five years after obtaining a teacher certificate, and whether grant recipients remain teaching in Title I public common schools; and

(iii) Recommendations for modifying the grant program.

(b) The education data center must collaborate with the office to provide the data needed for the report required under this section.

(4) The office shall establish rules for administering the grants under this section.

Sec. 207. RCW 28A.415.270 and 1996 c 233 s 1 are each amended to read as follows:

(1) To the extent funds are appropriated, the Washington state principal internship support program is created beginning in the 1994-95 school year. The purpose of the program is to provide funds to school districts to provide partial release time for district employees who are in a principal preparation program to complete an internship

with a mentor principal. Funds may be used in a variety of ways to accommodate flexible implementation in releasing the intern to meet program requirements.

(2) Participants in the principal internship support program shall be selected as follows:

(a) The candidate shall be enrolled in a state board-approved school principal preparation program;

(b) The candidate shall apply in writing to his or her local school district;

~~(c) Each school district shall determine which applicants meet its criteria for participation in the principal internship support program ((and shall notify its educational service district of the school district's selected applicants. When submitting the names of applicants, the school district shall identify a mentor principal for each principal intern applicant, and shall agree to provide the internship applicant release time not to exceed the equivalent of forty five student days by means of this funding source; and~~

~~(d) Educational service districts;))~~

(d) Applicants submit their applications to the office of the superintendent of public instruction's designee; and

(e) The office of the superintendent of public instruction's designee, with the assistance of an advisory board, shall select internship participants.

(3) The maximum amount of state funding for each internship shall not exceed the actual daily rate cost of providing a substitute teacher for the equivalent of forty-five school days.

~~(4) ((Funds appropriated for the principal internship support program shall be allocated by the superintendent of public instruction to the educational service districts based on the percentage of full-time equivalent public school students enrolled in school districts in each educational service district. If it is not possible to find qualified candidates within the educational service district, the positions remain unfilled, and any unspent funds shall revert to the superintendent of public instruction for supplementary direct disbursement.~~

~~The superintendent of public instruction shall allocate any remaining unfilled positions and unspent funds among the educational service districts that have qualified candidates but not enough positions for them.~~

~~This subsection does not preclude the superintendent of public instruction from permitting the affected educational service districts to make the supplementary selections.~~

~~(5))~~ Once principal internship participants have been selected, the office of the superintendent of public instruction shall allocate the funds to the appropriate school districts. The funds shall be used to pay for partial release time while the school district employee is completing the principal internship.

~~((6) Educational service districts may be reimbursed for costs associated with implementing the~~

~~program. Reimbursement rates shall be determined by the superintendent of public instruction.)~~

BASIC SKILLS AND CONTENT TEST ASSISTANCE

Sec. 208. RCW 28A.630.205 and 2016 c 233 s 16 are each amended to read as follows:

TEACHER ENDORSEMENT AND CERTIFICATION HELP PROGRAM.

(1) ~~((Subject to the availability of amounts appropriated for this specific purpose,))~~ The teacher endorsement and certification help ~~((pilot project))~~ program, known as the TEACH ~~((pilot))~~ program, is created. ~~((The scale of the TEACH pilot is dependent on the level of funding appropriated.))~~

(2) The student achievement council, after consultation with the Washington professional educator standards board, shall have the power and duty to develop and adopt rules as necessary under chapter 34.05 RCW to administer the ~~((pilot project))~~ program described in this section. The rules, which must be adopted by ~~((August))~~ November 1, ((2016)) 2019, must include:

- (a) A TEACH ~~((pilot))~~ grant application process;
 - (b) A financial need verification process;
 - (c) The order of priority in which the applications will be approved; and
 - (d) A process for disbursing TEACH ~~((pilot))~~ grant awards to selected applicants.
- (3) A student seeking a TEACH ~~((pilot))~~ grant to cover the costs of basic skills and content tests required for initial teacher certification and endorsement must submit an application to the student achievement council, following the rules developed under this section.
- (4) To qualify for financial assistance, an applicant must meet the following criteria:

- (a) Be enrolled in, have applied to, or have completed a Washington professional educator standards board-approved teacher preparation program;
- (b) Demonstrate financial need, as defined by the office of student financial assistance and consistent with the income criteria required to receive the state need grant established in chapter 28B.92 RCW or applicable rules;
- (c) Apply for a TEACH ~~((pilot))~~ grant under this section; and
- (d) Register for an endorsement competency test in one or more endorsement shortage areas, where "shortage area" has the definition in RCW 28B.102.020.

(5) Beginning ~~((September))~~ November 1, ((2016)) 2019, the student achievement council, in collaboration with the Washington professional educator standards board, shall award a TEACH ~~((pilot))~~ grant to a student who meets the qualifications listed in this section and in rules developed

under this section. The TEACH ~~((pilot))~~ grant award must cover the costs of basic skills and content tests required for initial teacher certification. The council shall prioritize TEACH ~~((pilot))~~ grant awards first to applicants registered for competency tests in endorsement shortage areas and second to applicants with greatest financial need. The council shall scale the number of TEACH ~~((pilot))~~ grant awards to the amount of funds appropriated for this purpose.

(6) The student achievement council and the Washington professional educator standards board shall include information about the TEACH ~~((pilot))~~ program in materials distributed to schools and students.

(7) ~~((By))~~ Beginning December ((31, 2018)) 1, 2020, and by December 1st each even-numbered year thereafter, in compliance with RCW 43.01.036, the student achievement council, in collaboration with the Washington professional educator standards board, shall submit a ~~((preliminary))~~ report to the appropriate committees of the legislature that details the effectiveness and costs of the ~~((pilot project))~~ program. The ~~((preliminary))~~ report must:

(a) Compare the numbers and demographic information of students taking and passing tests in the endorsement shortage areas before and after implementation of the ~~((pilot project, and))~~ program;

(b) Determine the amount of TEACH ~~((pilot))~~ grants ~~((award financial assistance))~~ awarded each ~~((pilot))~~ year and per student~~((-~~

~~((8))~~ By December 31, 2020, and in compliance with RCW 43.01.036, the student achievement council, in collaboration with the professional educator standards board, shall submit a final report to the appropriate committees of the legislature that details the effectiveness and costs of the pilot project. In addition to updating the preliminary report, the final report must (a)):

(c) Compare the numbers and demographic information of students obtaining teaching certificates with endorsement competencies in the endorsement shortage areas before and after implementation of the ~~((pilot project,))~~ program; and

~~((b))~~ (d) Recommend whether the ~~((pilot project))~~ program should be modified, continued, and expanded.

~~((9)) This section expires July 1, 2021.)~~

NEW SECTION. Sec. 209. RECODIFICATION. RCW 28A.630.205 is recodified as a section in chapter 28B.76 RCW.

EDUCATOR CONDITIONAL SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS

NEW SECTION. Sec. 210. INTENT. (1) By amending the financial assistance programs under this chapter, the legislature intends to: (a) Provide assistance to a broad range of educators including, though not exclusively to, certificated teachers; (b) attract and retain potential

educators, especially to meet areas of educator shortage; (c) streamline the administration of the programs; and (d) make the use of state appropriations more flexible.

(2) The legislature intends for the student achievement council to balance the number, the amount, and the type of awards distributed. When selecting participants and defining the awards, the student achievement council shall consult with stakeholders to: (a) Consider the purpose of each financial assistance program; (b) recognize the total cost of attendance to complete an educator preparation program; and (c) consider the needs of the education system, including the need for educators in shortage areas.

Sec. 211. RCW 28B.102.020 and 2012 c 229 s 562 are each amended to read as follows:

DEFINITIONS.

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

(1) "Approved education program" means an education program in ~~((the state of Washington for knowledge and skills generally learned in preschool through twelfth grade. Approved education programs may include but are not limited to:~~

~~(a) K-12 schools under Title 28A RCW; or~~

~~(b) Other K-12 educational sites in the state of Washington as designated by the student achievement council)) a common school as defined in RCW 28A.150.020.~~

(2) "Certificate" or "certificated" does not include a limited or conditioned certificate.

(3) "Certificated employee" has the definition in RCW 28A.150.203. "Certificated employee" does not include a paraeducator.

(4) "Conditional scholarship" means a loan that is forgiven in whole or in part ~~((if the recipient renders)) in exchange for service as a ((teacher)) certificated employee in an approved education program ((in this state)).~~

~~((3) "Eligible student" means a student who is registered for at least six credit hours or the equivalent, demonstrates high academic achievement, is a resident student as defined by RCW 28B.15.012 and 28B.15.013, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning an additional endorsement, and commits to teaching service in the state of Washington.~~

(4) "Equalization fee" means the additional amount added to the principal of a loan under this chapter to equate the debt to that which the student would have incurred if the loan had been received through the federal subsidized Stafford student loan program.)

(5) "Eligible veteran or national guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a national guard member called to active duty, who served

in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters, and if discharged from service, has received an honorable discharge.

~~(6) "Forgiven" or "to forgive" or "forgiveness" means ((to render)) that all or part of a loan is canceled in exchange for service as a ((teacher)) certificated employee in an approved education program ((in the state of Washington in lieu of monetary repayment)).~~

~~((6)) (7) "Institution of higher education" or "institution" means a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the student achievement council.~~

~~((7)) (8) "Loan repayment" means a federal student loan that is repaid in whole or in part if the ((recipient renders service)) borrower serves as a ((teacher)) certificated employee in an approved education program ((in Washington state)).~~

~~((8)) (9) "Office" means the office of student financial assistance.~~

~~((9)) (10) "Participant" means ((an eligible student)) a person who has received a conditional scholarship or loan repayment under this chapter.~~

~~((10)) (11) "Public school" ((means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution)) has the same meaning as in RCW 28A.150.010.~~

~~((11) "Satisfied" means paid in full.~~

~~(12) "Teacher" (12) "Shortage area" means ((a shortage of elementary or secondary school teachers in a specific subject area, discipline, classification,)) an endorsement or geographic area as defined by the Washington professional educator standards board, in consultation with the office of the superintendent of public instruction, with a shortage of certificated employees. "Shortage area" must be defined biennially using quantitative and qualitative measures.~~

Sec. 212. RCW 28B.102.030 and 2012 c 229 s 563 are each amended to read as follows:

ADMINISTRATION.

~~((The future teachers conditional scholarship and loan repayment program is established. The program shall be administered by the student achievement council.)) In administering ((the)) educator conditional scholarship and loan repayment programs under this chapter, the student achievement council shall have the following powers and duties:~~

(1) Select ~~((students)) persons~~ to receive conditional scholarships or loan repayments;

(2) Adopt necessary rules and guidelines;

(3) Publicize the programs in collaboration with the office of the superintendent of public instruction and the Washington professional educator standards board;

(4) Collect and manage repayments from ~~((students))~~ participants who do not meet their ~~((teaching))~~ service obligations under this chapter; and

(5) Solicit and accept grants and donations from public and private sources for the programs.

NEW SECTION. Sec. 213. A new section is added to chapter 28B.102 RCW to read as follows:

PARTICIPANT SELECTION. (1) The office, in consultation with the Washington professional educator standards board, shall determine candidate eligibility requirements for educator conditional scholarship and loan repayment programs under this chapter.

(2)(a) Candidate eligibility for educator conditional scholarship and loan repayment programs under this chapter shall be based in part upon whether the candidate plans to teach in a shortage area.

(b) The Washington professional educator standards board shall also consider the relative degree of shortages when determining candidate eligibility and any specific requirements under this chapter.

(3)(a) The Washington professional educator standards board may add or remove endorsements from eligibility requirements based upon the determination of geographic, demographic, or subject matter shortages.

(b) If an endorsement in a geographic, demographic, or subject matter shortage no longer qualifies for a conditional scholarship or loan repayment program under this chapter, participants and candidates who have received scholarships and meet all other eligibility requirements are eligible to continue to receive conditional scholarships or loan repayments until they no longer meet eligibility requirements or until their service obligation has been completed.

(4) For eligibility for alternative route conditional scholarships under section 217 of this act, the office, in consultation with the Washington professional educator standards board, must consider candidates who have been accepted into an awarded alternative route partnership grant program under chapter 28A.660 RCW and who have declared an intention to teach upon completion of an alternative route teacher certification program under chapter 28A.660 RCW.

Sec. 214. RCW 28B.102.045 and 2004 c 58 s 5 are each amended to read as follows:

CONDITION FOR CONTINUED PARTICIPATION—SATISFACTORY PROGRESS.

To receive additional disbursements under ~~((the))~~ a conditional scholarship program ~~((under))~~ authorized by this

chapter, a participant must be considered by his or her ~~((institution of higher education))~~ Washington professional educator standards board-approved educator preparation program to be in a satisfactory progress condition.

NEW SECTION. Sec. 215. A new section is added to chapter 28B.102 RCW to read as follows:

AWARDS.

(1)(a) The office is directed to maximize the impact of conditional scholarships and loan repayments awarded under this chapter in light of shortage areas and in response to the trending financial needs of the applicant pool.

(b) In maximizing the impact of the awards, the office may adjust the number and amounts of the conditional scholarships and loan repayments made each year. However, the maximum award authorized under this chapter is eight thousand dollars per person, per academic year. Beginning in the 2020-21 academic year, the office may adjust the maximum award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(2) The allowable uses of a conditional scholarship under this chapter include the cost of attendance as determined by the office, such as tuition, room, board, and books.

(3) The award of a conditional scholarship under this chapter may not result in reduction of a participant's federal or other state financial aid.

(4) The office must make conditional scholarship and loan repayment awards from moneys in the educator conditional scholarship account created in RCW 28B.102.080.

Sec. 216. RCW 28B.102.090 and 2016 c 233 s 15 are each amended to read as follows:

TEACHER SHORTAGE CONDITIONAL SCHOLARSHIP PROGRAM.

(1) ~~((Subject to the availability of amounts appropriated for this specific purpose, the office shall develop and administer))~~ The teacher shortage conditional ~~((grant program as a subprogram within the future teachers conditional scholarship and loan repayment program))~~ scholarship program is created. The purpose of the ~~((teacher shortage conditional grant))~~ program is to provide financial aid to encourage ~~((individuals))~~ persons to become teachers ~~((by providing financial aid to individuals enrolled in professional educator standards approved teacher preparation programs))~~ and to retain these teachers in shortage areas.

(2) ~~((The office has the power and duty to develop and adopt rules as necessary under chapter 34.05 RCW to administer the program described in this section.~~

~~((3) As part of the rule-making process under subsection (2) of this section, the office must collaborate~~

~~with the professional educator standards board, the Washington state school directors' association, and the professional educator standards board approved teacher preparation programs to develop a framework for the teacher shortage conditional grant program, including eligibility requirements, contractual obligations, conditional grant amounts, and loan repayment requirements.~~

~~(4)(a) In developing the eligibility requirements, the office must consider: Whether the individual has a financial need, is a first generation college student, or is from a traditionally underrepresented group among teachers in Washington; whether the individual is completing an alternative route teacher certification program; whether the individual plans to obtain an endorsement in a hard to fill subject, as defined by the professional educator standards board; the characteristic of any geographic shortage area, as defined by the professional educator standards board, that the individual plans to teach in; and whether a school district has committed to offering the individual employment once the individual obtains a residency teacher certificate.~~

~~(b) In developing the contractual obligations, the office must consider requiring the individual to: Obtain a Washington state residency teacher certificate; teach in a subject or geographic endorsement shortage area, as defined by the professional educator standards board; and commit to teach for five school years in an approved education program with a need for a teacher with such an endorsement at the time of hire.~~

~~(c) In developing the conditional grant award amounts, the office must consider whether the individual is: Enrolled in a public or private institution of higher education, a resident, in a baccalaureate or postbaccalaureate program, or in an alternative route teacher certification program. In addition, the award amounts must not result in a reduction of the individual's federal or state grant aid, including Pell grants, state need grants, college bound scholarships, or opportunity scholarships.~~

~~(d) In developing the repayment requirements for a conditional grant that is converted into a loan, the terms and conditions of the loan must follow the interest rate and repayment terms of the federal direct subsidized loan program. In addition, the office must consider the following repayment schedule:~~

~~(i) For less than one school year of teaching completed, the loan obligation is eighty five percent of the conditional grant the student received, plus interest and an equalization fee;~~

~~(ii) For less than two school years of teaching completed, the loan obligation is seventy percent of the conditional grant the student received, plus interest and an equalization fee;~~

~~(iii) For less than three school years of teaching completed, the loan obligation is fifty five percent of the conditional grant the student received, plus interest and an equalization fee; and~~

~~(iv) For less than four school years of teaching completed, the loan obligation is forty percent of the~~

~~conditional grant the student received, plus interest and an equalization fee.~~

~~(5) By November 1, 2018, and November 1, 2020, the office shall submit reports, in accordance with RCW 43.01.036, to the appropriate committees of the legislature that recommend whether the teacher shortage conditional grant program under this section should be continued, modified, or terminated, and that include information about the recipients of the grants under this program)) To qualify for the program an applicant must:~~

~~(a) Be accepted into, and maintain enrollment in, a Washington professional educator standards board-approved teacher preparation program leading to an initial teacher certificate; and~~

~~(b) Intend to pursue an initial teacher certificate with an endorsement in a shortage area.~~

~~(3) Participants are eligible to receive a teacher shortage conditional scholarship for up to four academic years.~~

NEW SECTION. Sec. 217. A new section is added to chapter 28B.102 RCW to read as follows:

ALTERNATIVE ROUTE CONDITIONAL SCHOLARSHIP PROGRAM.

(1) The alternative route conditional scholarship program is created. The purpose of the program is to provide financial assistance to encourage persons to become teachers through alternative route teacher certification programs and to retain these teachers in shortage areas.

(2) To qualify for the program an applicant must:

(a) Be accepted into, and maintain enrollment in, an alternative route teacher certification program under chapter 28A.660 RCW; and

(b) Intend to pursue an initial teacher certificate with an endorsement in a shortage area.

(3) Participants are eligible to receive an alternative route conditional scholarship for up to two academic years.

Sec. 218. RCW 28A.660.042 and 2017 c 237 s 19 are each amended to read as follows:

PIPELINE FOR PARAEducATORS CONDITIONAL SCHOLARSHIP PROGRAM.

(1) The pipeline for paraeducators conditional scholarship program is created. ~~((Participation is limited to paraeducators without a college degree who have at least three years of classroom experience. It is anticipated that candidates enrolled in this program will complete their associate of arts degree at a community and technical college in two years or less and become eligible for an endorsement in a subject matter shortage area, as defined by the professional educator standards board, via route one in the alternative routes to teacher certification program provided in this chapter.))~~ The purpose of the program is to support

paraeducators who wish to become teachers by providing financial aid for the completion of an associate of arts degree.

(2) ((Entry requirements for candidates include)) To qualify for the program an applicant must:

(a) Not have earned a college degree;

(b) Provide documentation:

(i) From his or her school district or building ((validation)) of ((qualifications, including three)) one year((s)) of successful student interaction and leadership as a classified instructional employee; or

(ii) Of his or her completion of two years of a recruiting Washington teachers program, established under RCW 28A.415.370;

(c) Intend to pursue an initial teacher certificate with an endorsement in a shortage area via a Washington professional educator standards board-approved teacher preparation program; and

(d) Be accepted into, and maintain enrollment for no more than the equivalent of four full-time academic years at, a community and technical college under RCW 28B.50.020.

(3) Participants are eligible to receive a pipeline for paraeducators conditional scholarship for up to four academic years.

(4) The office must prioritize applicants in the following order:

(a) Applicants recruited and supported by their school districts to become teachers;

(b) Applicants who completed two years of a recruiting Washington teachers program, established under RCW 28A.415.370; and

(c) Applicants intending to complete an associate of arts degree in two academic years or less.

Sec. 219. RCW 28A.660.045 and 2015 3rd sp.s. c 9 s 1 are each amended to read as follows:

EDUCATOR RETOOLING CONDITIONAL SCHOLARSHIP PROGRAM.

(1) The educator retooling conditional scholarship program is created. ~~((Participation is limited to current K-12 teachers and individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate. It is anticipated that candidates enrolled in this program will complete the requirements for an endorsement in two years or less.~~

(2) Entry requirements for candidates include:

(a) Current K-12 teachers shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to, mathematics, science, special education, bilingual education, English

language learner, computer science education, or environmental and sustainability education.

~~(b) Individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to, mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education.)~~ The purpose of the program is to increase the number of public school teachers with endorsements in shortage areas.

(2) To qualify for the program an applicant must:

(a) Hold a current Washington teacher certificate or an expired Washington teacher certificate issued after 2005;

(b) Pursue an additional endorsement in a shortage area; and

(c) Use one of the Washington professional educator standards board's pathways to complete the additional endorsement requirements in the equivalent of one full-time academic year.

(3) Participants are eligible to receive an educator retooling conditional scholarship for up to two academic years.

NEW SECTION. Sec. 220. A new section is added to chapter 28B.102 RCW to read as follows:

CAREER AND TECHNICAL EDUCATION CONDITIONAL SCHOLARSHIP PROGRAM.

(1) The career and technical education conditional scholarship program is created. The purpose of the program is to provide financial aid for nonteachers and teachers to obtain necessary certificates and endorsements through any approved route to become career and technical education teachers.

(2) To qualify for the program, an applicant must be:

(a) Accepted into, and maintain enrollment in, a Washington professional educator standards board-approved teacher preparation program; and

(b) Pursuing the necessary certificates and endorsements to teach career and technical education courses.

(3) The office must give priority to applicants who:

(a) Possess a professional license and occupational industry experience applicable to the career and technical education endorsement being pursued; or

(b) Are accepted into an alternative route teacher certification program under RCW 28A.660.020.

(4) Participants are eligible to receive a career and technical education conditional scholarship for up to two academic years.

NEW SECTION. Sec. 221. A new section is added to chapter 28B.102 RCW to read as follows:

**CONDITIONAL SCHOLARSHIP—
FORGIVENESS AND REPAYMENT.**

(1)(a) A conditional scholarship awarded under this chapter is forgiven when the participant fulfills the terms of his or her service obligation. The office shall develop the service obligation terms for each conditional scholarship program under this chapter, including that participants must either:

(i) Serve as a certificated employee in an approved education program for two full-time school years for each year of conditional scholarship received; or

(ii) Serve as a certificated employee in a shortage area in an approved education program for one full-time school year for each year of conditional scholarship received.

(b) For participants who meet the terms of their service obligation, the office shall forgive the conditional scholarships according to the service obligation terms and shall maintain all necessary records of such forgiveness.

(2)(a) Participants who do not fulfill their service obligation as required under subsection (1) of this section incur an obligation to repay the conditional scholarship award, with interest and other fees. The office shall develop repayment terms for each conditional scholarship program under this chapter, including interest rate, other fees, minimum payment, and maximum repayment period.

(b) The office shall collect repayments from participants who do not fulfill their service obligation as required under subsection (1) of this section. Collection and servicing of repayments under this section must be pursued using the full extent of the law, including wage garnishment if necessary. The office shall exercise due diligence in maintaining all necessary records to ensure that maximum repayments are collected.

(3) The office shall establish a process for forgiveness, deferment, or forbearance for participants who fail to complete their service obligation due to circumstances beyond the participants' control, for example certain medical conditions, military deployment, declassification of a participant's shortage area, or hardship for a participant to relocate to an approved education program with a shortage area, provided the participant was serving as a certificated employee in a shortage area in an approved education program.

Sec. 222. RCW 28B.102.055 and 2011 1st sp.s. c 11 s 180 are each amended to read as follows:

**FEDERAL STUDENT LOAN REPAYMENT IN
EXCHANGE FOR TEACHING SERVICE PROGRAM.**

(1) Upon documentation of federal student loan indebtedness, the office may enter into agreements with ~~((participants))~~ certificated teachers to repay all or part of a federal student loan in exchange for teaching service in a

shortage area in an approved education((al)) program. ((The ratio of loan repayment to years of teaching service for the loan repayment program shall be the same as established for the conditional scholarship program.)) Teachers eligible for loan repayment under this section must hold an endorsement in the content area in which they are assigned to teach during the period of repayment.

(2) The agreement shall specify the period of time it is in effect and detail the obligations of the office and the participant, including the amount to be paid to the participant. The ratio of loan repayment to years of teaching service for the loan repayment program must be the same as established for the conditional scholarship programs under section 221 of this act. The agreement ~~((may))~~ must also specify the ~~((geographic location and subject matter))~~ shortage area of teaching service for which loan repayment will be provided.

(3) At the end of each school year, a participant under this section shall provide evidence to the office that the requisite teaching service has been provided. Upon receipt of the evidence, the office shall pay the participant the agreed-upon amount for one year of full-time teaching service or a prorated amount for less than full-time teaching service. To qualify for additional loan repayments, the participant must be engaged in continuous teaching service as defined by the office. The office may approve leaves of absence from continuous service and other deferments as may be necessary.

(4) The office may, at its discretion, arrange to make the loan repayment directly to the holder of the participant's federal student loan.

(5) The office may not reimburse a participant for loan repayments made before the participant entered into an agreement with the office under this section.

(6) The office's obligations to a participant under this section shall cease when:

(a) The terms of the agreement have been fulfilled;

(b) The participant is assigned to teach in a content area in which he or she is not endorsed;

(c) The participant fails to maintain continuous teaching service as determined by the office; or

~~((e))~~ (d) All of the participant's federal student loans have been repaid.

~~((6))~~ The office shall adopt rules governing loan repayments, including approved leaves of absence from continuous teaching service and other deferments as may be necessary.))

NEW SECTION. Sec. 223. A new section is added to chapter 28B.102 RCW to read as follows:

REPORTS TO THE LEGISLATURE.

Beginning November 1, 2020, and by November 1st each even-numbered year thereafter, the office shall submit a report, in accordance with RCW 43.01.036, to the

appropriate committees of the legislature recommending whether the educator conditional scholarship and loan repayment programs under this chapter should be continued, modified, or terminated. The report must include information about the number of applicants for, and participants in, each program. To the extent possible, this information should be disaggregated by age, gender, race and ethnicity, family income, and unmet financial need. The report must include information about participant deferments and repayments. The report must also include information on moneys received by and disbursed from the educator conditional scholarship account under RCW 28B.102.080 each fiscal year.

Sec. 224. RCW 28B.102.080 and 2011 1st sp.s. c 11 s 182 are each amended to read as follows:

CUSTODIAL ACCOUNT.

(1) The ~~((future teachers))~~ educator conditional scholarship account is created in the custody of the state treasurer. An appropriation is not required for expenditures of funds from the account. The account is not subject to allotment procedures under chapter 43.88 RCW except for moneys used for program administration.

(2) The office shall deposit in the account all moneys received for the ~~((future teachers))~~ educator conditional scholarship and loan repayment ~~((program and for conditional loan))~~ programs under this chapter ~~((28A.660 RCW))~~. The account shall be self-sustaining and consist of funds appropriated by the legislature for the ~~((future teachers))~~ educator conditional scholarship and loan repayment programs under this chapter, private contributions to the programs, and receipts from participant repayments from the ~~((future teachers conditional scholarship and loan repayment))~~ programs ~~((, and conditional loan programs established under chapter 28A.660 RCW))~~. Beginning July 1, 2004, the office shall also deposit into the account: (a) All funds from the institution of higher education loan account that are traceable to any conditional scholarship program for teachers or prospective teachers established by the legislature before June 10, 2004; and (b) all amounts repaid by ~~((individuals))~~ participants under any such program.

(3) Expenditures from the account may be used ~~((solely for conditional loans and loan repayments to participants in the future teachers conditional scholarship and loan repayment program established by this chapter, conditional scholarships for participants in programs established in chapter 28A.660 RCW, and costs associated with program administration by the office))~~ only for the purposes of this chapter.

(4) Disbursements from the account may be made only on the authorization of the office.

~~((5) During the 2009-2011 fiscal biennium, the legislature may transfer from the future teachers conditional scholarship account to the state general fund such amounts as reflect the excess fund balance of the account.))~~

Sec. 225. RCW 43.79A.040 and 2018 c 260 s 28, 2018 c 258 s 4, and 2018 c 127 s 6 are each reenacted and amended to read as follows:

MANAGEMENT OF TREASURER'S TRUST FUND.

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

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

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

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

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the ~~((future teachers))~~ educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile

accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, ~~((the))~~ the public employees' and retirees' insurance account, ~~((the))~~ the school employees' insurance account, and the radiation perpetual maintenance fund.

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

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

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

NEW SECTION. Sec. 226. REPEALERS. The following acts or parts of acts are each repealed:

(1)RCW 28B.102.010 (Intent—Legislative findings) and 2004 c 58 s 1 & 1987 c 437 s 1;

(2)RCW 28B.102.040 (Selection of participants—Processes—Criteria) and 2011 1st sp.s. c 11 s 178, 2008 c 170 s 306, & 2005 c 518 s 918;

(3)RCW 28B.102.050 (Award of conditional scholarships and loan repayments—Amount—Duration) and 2011 1st sp.s. c 11 s 179, 2004 c 58 s 6, & 1987 c 437 s 5;

(4)RCW 28B.102.060 (Repayment obligation) and 2011 1st sp.s. c 11 s 181, 2011 c 26 s 4, 2004 c 58 s 7, 1996 c 53 s 2, 1993 c 423 s 1, 1991 c 164 s 6, & 1987 c 437 s 6;

(5)RCW 28A.660.050 (Conditional scholarship programs—Requirements—Recipients) and 2016 c 233 s 14, 2015 3rd sp.s. c 9 s 2, 2015 1st sp.s. c 3 s 4, 2012 c 229 s 507, 2011 1st sp.s. c 11 s 134, & 2010 c 235 s 505; and

(6)RCW 28A.660.055 (Eligible veteran or national guard member—Definition) and 2009 c 192 s 3.

NEW SECTION. Sec. 227. RECODIFICATION. RCW 28A.660.042 and RCW 28A.660.045 are each recodified as sections in chapter 28B.102 RCW.

NEW SECTION. Sec. 228. A new section is added to chapter 28A.660 RCW to read as follows:

Nothing in sections 210 through 226 of this act modifies or otherwise affects conditional scholarship or loan repayment agreements under this chapter or chapter 28B.102 RCW existing before the effective date of this section.

NEW SECTION. Sec. 229. A new section is added to chapter 28B.102 RCW to read as follows:

Nothing in sections 210 through 226 of this act modifies or otherwise affects conditional scholarship or loan repayment agreements under this chapter or chapter 28A.660 RCW existing before the effective date of this section.

TUITION WAIVERS

Sec. 230. RCW 28B.15.558 and 2016 c 233 s 18 are each amended to read as follows:

SPACE AVAILABLE TUITION WAIVERS.

(1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges may waive all or a portion of the tuition and services and activities fees for state employees as defined under subsection (2) of this section ~~((and))~~ teachers~~((s))~~ and other certificated instructional staff under subsection (3) of this section, and K-12 classified staff under subsection (4) of this section. The enrollment of these persons is pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and no new course sections shall be created as a result of the registration;

(b) Enrollment information on persons registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such persons be considered in any enrollment statistics that would affect budgetary determinations; and

(c) Persons registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) For the purposes of this section, "state employees" means persons employed half-time or more in one or more of the following employee classifications:

(a) Permanent employees in classified service under chapter 41.06 RCW;

(b) Permanent employees governed by chapter 41.56 RCW pursuant to the exercise of the option under RCW 41.56.201;

(c) Permanent classified employees and exempt paraprofessional employees of technical colleges; and

(d) Faculty, counselors, librarians, and exempt professional and administrative employees at institutions of higher education as defined in RCW 28B.10.016.

(3) The waivers available to state employees under this section shall also be available to teachers and other certificated instructional staff employed at public common and vocational schools(~~(— holding or seeking a valid endorsement and assignment in a state identified shortage area)~~)).

(4) The waivers available under this section shall also be available to classified staff employed at ~~((K-12))~~ public common schools, as defined in RCW 28A.150.020, when used for coursework relevant to the work assignment or coursework that is part of a teacher preparation program.

(5) In awarding waivers, an institution of higher education may award waivers to eligible persons employed by the institution before considering waivers for eligible persons who are not employed by the institution.

(6) If an institution of higher education exercises the authority granted under this section, it shall include all eligible state employees in the pool of persons eligible to participate in the program.

(7) In establishing eligibility to receive waivers, institutions of higher education may not discriminate between full-time employees and employees who are employed half-time or more.

(8) Each institution of higher education that awards waivers under this section must report annually to the student achievement council with the number, type, and value of waivers awarded under this section in the prior academic year, and must compare this information with other tuition and fee waivers awarded by the institution.

TEACHER PREPARATION PROGRAM EXPANSION

NEW SECTION. Sec. 231. EXPAND ENROLLMENTS IN HIGH-NEED SUBJECTS AND LOCATIONS. The legislature recognizes the important role of teacher preparation programs in addressing the shortages in the educator career continuum. Through the omnibus appropriations act, the legislature intends to prioritize the

expansion of teacher preparation program enrollments in high-need subjects and high-need locations within the state, taking into consideration the community and technical colleges' capacity to contribute to teacher preparation.

PART III

RETENTION STRATEGIES

NEW SECTION. Sec. 301. FINDINGS— INTENT. (1) The legislature finds that the most successful education systems have robust, well-prepared educators and educator leaders, with ample and relevant mentoring and professional learning opportunities appropriate to their roles and career aspirations. Further, the legislature finds that cultivating a public common school system that focuses on the growth of educator knowledge, skills, and dispositions to help students perform at high levels not only supports better professional practice, but results in greater professional satisfaction for educators.

(2) The legislature finds that excessively rigid policies have had the unintended consequence of preventing qualified and effective educators from remaining in the common schools. Barriers to educator retention, such as lack of induction and mentoring for beginning educators, a complicated and burdensome certification system, and frequent comprehensive performance evaluation requirements must be addressed. The legislature acknowledges that a substantial step towards reducing the barriers of complicated and burdensome certification requirements was taken in chapter 26, Laws of 2017 by creating a flexible option for renewing teacher and administrator certificates. However, continued legislative review and refinement of the link between certification programs, effective pedagogy, and professional satisfaction is necessary to strengthen educator retention efforts.

(3) Further efforts can also focus on the improvement of working conditions within schools and school districts. The legislature acknowledges that the demands on educators must be balanced with an encouragement of their excitement for the profession. The legislature intends to expand upon successful educator induction and mentoring programs such as the beginning educator support team program, and to streamline the teacher and principal evaluation program requirements for the highest performing educators.

BEGINNING EDUCATOR SUPPORT

Sec. 302. RCW 28A.415.265 and 2016 c 233 s 11 are each amended to read as follows:

(1) For the purposes of this section, a mentor educator is ~~((an educator))~~ a teacher, educational staff associate, or principal who:

(a) Has ((achieved appropriate)) successfully completed training in assisting, coaching, and advising beginning principals, beginning educational staff associates, beginning teachers, or student ((teaching residents)) teachers

as defined by the office of the superintendent of public instruction (~~(- such as national board certification or other specialized training)~~);

(b) Has been selected using mentor standards developed by the office of the superintendent of public instruction; and

(c) Is participating in ongoing mentor skills professional development.

(2)(a) The beginning educator support team program is established to provide professional development and (~~(mentor support)~~) mentoring for beginning (~~(educators)~~) principals, beginning educational staff associates, beginning teachers, and candidates in alternative route teacher certification programs under chapter 28A.660 RCW (~~(28A.660.040, and educators on probation under RCW 28A.405.100, to be composed of the beginning educator support team for beginning educators and continuous improvement coaching for educators on probation, as provided in this section).~~)

(b) The superintendent of public instruction shall notify school districts about the beginning educator support team program and encourage districts to apply for program funds.

(3) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate funds for the beginning educator support team program on a competitive basis to individual school districts (~~(or)~~), consortia of districts, or state-tribal compact schools. (~~(School districts are encouraged to include educational service districts in creating regional consortia.)~~) In allocating funds, the office of the superintendent of public instruction shall give priority to:

(a) (~~(School districts with low performing schools identified under RCW 28A.657.020 as being challenged schools in need of improvement; and)~~) Schools and districts identified for comprehensive or targeted support and improvement as required under the federal elementary and secondary education act;

(b) School districts with a large influx of beginning principals, beginning educational staff associates, or beginning classroom teachers; and

(c) School districts that demonstrate an understanding of the research-based standards for beginning educator induction developed by the office of the superintendent of public instruction.

(4) A portion of the appropriated funds may be used for program coordination and provision of statewide or regional professional development through the office of the superintendent of public instruction.

(5) A beginning educator support team program must include the following components:

(a) A paid instructional orientation or individualized assistance before the start of the school year for (~~(beginning educators)~~) program participants;

(b) (~~(Assignment of)~~) A trained and qualified mentor assigned to each program participant for ((the first)) up to three years ((for beginning educators)), with intensive support in the first year and decreasing support ((over the following)) in subsequent years ((depending on the needs of the beginning educator));

(c) A goal to provide (~~(beginning teachers)~~) program participants from underrepresented populations with a mentor who has strong ties to underrepresented populations;

(d) Ongoing professional development ((for beginning educators that is)) designed to meet ((their)) the unique needs of each program participant for supplemental training and skill development;

(e) Initial and ongoing professional development for mentors;

(f) Release time for mentors and (~~(their designated educators)~~) program participants to work together, as well as time for (~~(educators)~~) program participants to observe accomplished peers; (~~(and)~~)

(g) To the extent possible, a school or classroom assignment that is appropriate for a beginning principal, beginning educational staff associate, or beginning teacher;

(h) Nonevaluative observations with written feedback for program participants;

(i) Support in understanding and participating in the state and district evaluation process and using the instructional framework, leadership framework, or both, to promote growth;

(j) Adherence to research-based standards for beginning educator induction developed by the office of the superintendent of public instruction; and

(k) A program evaluation that identifies program strengths and gaps using (~~(a standard evaluation tool provided from the office of the superintendent of public instruction that measures increased knowledge, skills)) the standards for beginning educator induction, the retention of beginning educators, and positive impact on student ((learning)) growth for program participants.~~

(6) (~~(Subject to the availability of amounts appropriated for this specific purpose,))~~ The beginning educator support team program components under subsection (~~((3))~~) (5) of this section may be provided for continuous improvement coaching to support educators on probation under RCW 28A.405.100.

EVALUATIONS

Sec. 303. RCW 28A.405.100 and 2012 c 35 s 1 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, the superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom

teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter.

(b) Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

(2)(a) ~~((Pursuant to the implementation schedule established in subsection (7)(c) of this section,))~~ Every board of directors shall, in accordance with procedures provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish ~~((revised))~~ evaluative criteria and a four-level rating system for all certificated classroom teachers.

(b) The minimum criteria shall include: (i) Centering instruction on high expectations for student achievement; (ii) demonstrating effective teaching practices; (iii) recognizing individual student learning needs and developing strategies to address those needs; (iv) providing clear and intentional focus on subject matter content and curriculum; (v) fostering and managing a safe, positive learning environment; (vi) using multiple student data elements to modify instruction and improve student learning; (vii) communicating and collaborating with parents and the school community; and (viii) exhibiting collaborative and collegial practices focused on improving instructional practice and student learning. Student growth data must be a substantial factor in evaluating the ~~((summative))~~ performance of certificated classroom teachers for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the certificated classroom teacher must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The ~~((summative))~~ performance ratings shall be as follows: Level 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 - distinguished. A classroom teacher shall receive one of the four ~~((summative))~~ performance ratings for each of the minimum criteria in (b) of this subsection and one of the four ~~((summative))~~ performance ratings for the evaluation as a whole, which shall be the comprehensive ~~((summative evaluation))~~ performance rating. ~~((By December 1, 2012,))~~ The superintendent of public instruction must adopt rules prescribing a common method for calculating the comprehensive ~~((summative—evaluation))~~ performance rating for each of the preferred instructional frameworks, including for a focused performance evaluation under subsection (12) of this section, giving appropriate weight to

the indicators evaluated under each criteria and maximizing rater agreement among the frameworks.

(d) ~~((By December 1, 2012,))~~ The superintendent of public instruction shall adopt rules that provide descriptors for each of the ~~((summative))~~ performance ratings ~~((based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be))~~ with updates to the rules made following consultation with ~~((a group broadly reflective of the parties represented))~~ the steering committee described in subsection (7)(a)(i) of this section.

(e) ~~((By September 1, 2012,))~~ The superintendent of public instruction shall identify up to three preferred instructional frameworks that support the ~~((revised))~~ four-level rating evaluation system. The instructional frameworks shall be research-based and establish definitions or rubrics for each of the four ~~((summative))~~ performance ratings for each evaluation criteria. Each school district must adopt one of the preferred instructional frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred instructional framework that may be proposed by a school district.

(f) Student growth data that is relevant to the teacher and subject matter must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. Student growth data elements may include the teacher's performance as a member of a grade-level, subject matter, or other instructional team within a school when the use of this data is relevant and appropriate. Student growth data elements may also include the teacher's performance as a member of the overall instructional team of a school when use of this data is relevant and appropriate. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(g) Student input may also be included in the evaluation process.

(3)(a) Except as provided in subsection (11) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. An employee in the third year of provisional status as defined in RCW 28A.405.220 shall be observed at least three times in the performance of his or her duties and the total observation time for the school year shall not be less than ninety minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(b) As used in this subsection and subsection (4) of this section, "employees" means classroom teachers and certificated support personnel except where otherwise specified.

(4)(a) At any time after October 15th, an employee whose work is not judged satisfactory based on district evaluation criteria shall be notified in writing of the specific areas of deficiencies along with a reasonable program for improvement. For classroom teachers who ~~((have been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(e) of this section))~~ are required to be on the four-level rating evaluation system, the following comprehensive ~~((summative evaluation))~~ performance ratings based on the evaluation criteria in subsection (2)(b) of this section mean a classroom teacher's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the classroom teacher is a continuing contract employee under RCW 28A.405.210 with more than five years of teaching experience and if the level 2 comprehensive ~~((summative evaluation))~~ performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(b) During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established. Days may be added if deemed necessary to complete a program for improvement and evaluate the probationer's performance, as long as the probationary period is concluded before May 15th of the same school year. The probationary period may be extended into the following school year if the probationer has five or more years of teaching experience and has a comprehensive ~~((summative evaluation))~~ performance rating as of May 15th of less than level 2. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency. Should the evaluator not authorize such additional evaluator, the probationer may request that an additional certificated employee evaluator become part of the probationary process and this request must be implemented by including an additional experienced evaluator assigned by the educational service district in which the school district is located and selected from a list of evaluation specialists compiled by the

educational service district. Such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. If a procedural error occurs in the implementation of a program for improvement, the error does not invalidate the probationer's plan for improvement or evaluation activities unless the error materially affects the effectiveness of the plan or the ability to evaluate the probationer's performance. The probationer must be removed from probation if he or she has demonstrated improvement to the satisfaction of the evaluator in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her program for improvement. A classroom teacher who ~~((has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(e) of this section))~~ is required to be on the four-level rating evaluation system must be removed from probation if he or she has demonstrated improvement that results in a new comprehensive ~~((summative evaluation))~~ performance rating of level 2 or above for a provisional employee or a continuing contract employee with five or fewer years of experience, or of level 3 or above for a continuing contract employee with more than five years of experience. Lack of necessary improvement during the established probationary period, as specifically documented in writing with notification to the probationer constitutes grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

(c) When a continuing contract employee with five or more years of experience receives a comprehensive ~~((summative evaluation))~~ performance rating below level 2 for two consecutive years, the school district shall, within ten days of the completion of the second ~~((summative))~~ comprehensive ~~((comprehensive summative))~~ performance evaluation or May 15th, whichever occurs first, implement the employee notification of discharge as provided in RCW 28A.405.300.

(d) Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and program for improvement, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. In the case of a classroom teacher who ~~((has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(e) of this section))~~ is required to be on the four-level rating evaluation system, the teacher may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year immediately following the completion of a probationary period that does not result in the required comprehensive ~~((summative evaluation))~~ performance ratings specified in (b) of this subsection. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term.

(5) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Except as provided in subsection (6) of this section, such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

~~(6)(a) ((Pursuant to the implementation schedule established by subsection (7)(b) of this section,))~~ Every board of directors shall establish ~~((revised))~~ evaluative criteria and a four-level rating system for principals.

(b) The minimum criteria shall include: (i) Creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; (ii) demonstrating commitment to closing the achievement gap; (iii) providing for school safety; (iv) leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements; (v) assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals; (vi) monitoring, assisting, and evaluating effective instruction and assessment practices; (vii) managing both staff and fiscal resources to support student achievement and legal responsibilities; and (viii) partnering with the school community to promote student learning. Student growth data must be a substantial factor in evaluating the ~~((summative))~~ performance of the principal for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the principal must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The ~~((summative))~~ performance ratings shall be as follows: Level 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 - distinguished. A principal shall receive one of the four ~~((summative))~~ performance ratings for each of the minimum criteria in (b) of this subsection and one of the four ~~((summative))~~ performance ratings for the evaluation as a whole, which shall be the comprehensive ~~((summative evaluation))~~ performance rating.

(d) ~~((By December 1, 2012,))~~ The superintendent of public instruction shall adopt rules that provide descriptors for each of the ~~((summative))~~ performance ratings, ~~((based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be))~~ with updates to the rules made following consultation with ~~((a group broadly reflective of the parties represented))~~ the steering committee described in subsection (7)(a)(i) of this section.

~~((By September 1, 2012,))~~ The superintendent of public instruction shall identify up to three preferred leadership frameworks that support the ~~((revised))~~ four-level rating evaluation system. The leadership frameworks shall be research-based and establish definitions or rubrics for each of the four performance ratings for each evaluation criteria. Each school district shall adopt one of the preferred leadership frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred leadership framework that may be proposed by a school district.

(f) Student growth data that is relevant to the principal must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(g) Input from building staff may also be included in the evaluation process.

~~((For principals who have been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(e) of this section,))~~ The following comprehensive ~~((summative evaluation))~~ performance ratings mean a principal's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the principal has more than five years of experience in the principal role and if the level 2 comprehensive ~~((summative evaluation))~~ performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

~~(7)(a) ((The superintendent of public instruction, in collaboration with state associations representing teachers, principals, administrators, school board members, and parents, to be known as the steering committee, shall create models for implementing the evaluation system criteria, student growth tools, professional development programs, and evaluator training for certificated classroom teachers and principals. Human resources specialists, professional development experts, and assessment experts must also be consulted. Due to the diversity of teaching assignments and the many developmental levels of students, classroom teachers and principals must be prominently represented in this work. The models must be available for use in the 2011-12 school year.~~

~~(b) A new certificated classroom teacher evaluation system that implements the provisions of subsection (2) of this section and a new principal evaluation system that implements the provisions of subsection (6) of this section shall be phased in beginning with the 2010-11 school year by districts identified in (d) of this subsection and implemented in all school districts beginning with the 2013-14 school year.~~

~~(c) Each school district board of directors shall adopt a schedule for implementation of the revised evaluation systems that transitions a portion of classroom teachers and~~

principals in the district to the revised evaluation systems each year beginning no later than the 2013-14 school year, until all classroom teachers and principals are being evaluated under the revised evaluation systems no later than the 2015-16 school year. A school district is not precluded from completing the transition of all classroom teachers and principals to the revised evaluation systems before the 2015-16 school year. The schedule adopted under this subsection (7)(c) must provide that the following employees are transitioned to the revised evaluation systems beginning in the 2013-14 school year:

(i) Classroom teachers who are provisional employees under RCW 28A.405.220;

(ii) Classroom teachers who are on probation under subsection (4) of this section;

(iii) Principals in the first three consecutive school years of employment as a principal;

(iv) Principals whose work is not judged satisfactory in their most recent evaluation; and

(v) Principals previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district.

(d) A set of school districts shall be selected by the superintendent of public instruction to participate in a collaborative process resulting in the development and piloting of new certificated classroom teacher and principal evaluation systems during the 2010-11 and 2011-12 school years. These school districts must be selected based on: (i) The agreement of the local associations representing classroom teachers and principals to collaborate with the district in this developmental work and (ii) the agreement to participate in the full range of development and implementation activities, including: Development of rubrics for the evaluation criteria and ratings in subsections (2) and (6) of this section; identification of or development of appropriate multiple measures of student growth in subsections (2) and (6) of this section; development of appropriate evaluation system forms; participation in professional development for principals and classroom teachers regarding the content of the new evaluation system; participation in evaluator training; and participation in activities to evaluate the effectiveness of the new systems and support programs. The school districts must submit to the office of the superintendent of public instruction data that is used in evaluations and all district collected student achievement, aptitude, and growth data regardless of whether the data is used in evaluations. If the data is not available electronically, the district may submit it in nonelectronic form. The superintendent of public instruction must analyze the districts' use of student data in evaluations, including examining the extent that student data is not used or is underutilized. The superintendent of public instruction must also consult with participating districts and stakeholders, recommend appropriate changes, and address statewide implementation issues. The superintendent of public instruction shall report evaluation system implementation status, evaluation data, and recommendations to appropriate committees of the

legislature and governor by July 1, 2011, and at the conclusion of the development phase by July 1, 2012. In the July 1, 2011, report, the superintendent shall include recommendations for whether a single statewide evaluation model should be adopted, whether modified versions developed by school districts should be subject to state approval, and what the criteria would be for determining if a school district's evaluation model meets or exceeds a statewide model. The report shall also identify challenges posed by requiring a state approval process.

(e)(i) The steering committee in subsection (7)(a) of this section and the pilot school districts in subsection (7)(d) of this section shall continue to examine implementation issues and refine tools for the new certificated classroom teacher evaluation system in subsection (2) of this section and the new principal evaluation system in subsection (6) of this section during the 2013-14 through 2015-16 implementation phase.

(ii) Particular attention shall be given to the following issues:

(A) Developing a report for the legislature and governor, due by December 1, 2013, of best practices and recommendations regarding how teacher and principal evaluations and other appropriate elements shall inform school district human resource and personnel practices. The legislature and governor are provided the opportunity to review the report and recommendations during the 2014 legislative session;

(B) Taking the new teacher and principal evaluation systems to scale and the use of best practices for statewide implementation;

(C) Providing guidance regarding the use of student growth data to assure it is used responsibly and with integrity;

(D) Refining evaluation system management tools, professional development programs, and evaluator training programs with an emphasis on developing rater reliability;

(E) Reviewing emerging research regarding teacher and principal evaluation systems and the development and implementation of evaluation systems in other states;

(F) Reviewing the impact that variable demographic characteristics of students and schools have on the objectivity, reliability, validity, and availability of student growth data; and

(G) Developing recommendations regarding how teacher evaluations could inform state policies regarding the criteria for a teacher to obtain continuing contract status under RCW 28A.405.210. In developing these recommendations the experiences of school districts and teachers during the evaluation transition phase must be considered. Recommendations must be reported by July 1, 2016, to the legislature and the governor.

(iii) To support the tasks in (e)(ii) of this subsection, the superintendent of public instruction may contract with an independent research organization with expertise in educator

~~evaluations and knowledge of the revised evaluation systems being implemented under this section.~~

~~((iv)) (i) The steering committee is composed of the following participants: State associations representing teachers, principals, administrators, school board members, and parents.~~

~~(ii) The superintendent of public instruction, in collaboration with the steering committee, shall periodically examine implementation issues and refine tools for the teacher and principal four-level rating evaluation systems, including professional learning that addresses issues of equity through the lens of the selected instructional and leadership frameworks.~~

(b) The superintendent of public instruction shall monitor the statewide implementation of ~~((revised))~~ teacher and principal four-level rating evaluation systems using data reported under RCW 28A.150.230 as well as periodic input from focus groups of administrators, principals, and teachers.

~~((v) The superintendent of public instruction shall submit reports detailing findings, emergent issues or trends, recommendations from the steering committee, and pilot school districts, and other recommendations, to enhance implementation and continuous improvement of the revised evaluation systems to appropriate committees of the legislature and the governor beginning July 1, 2013, and each July 1st thereafter for each year of the school district implementation transition period concluding with a report on December 1, 2016.)~~

(8)(a) Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers and principals must be used as one of multiple factors in making human resource and personnel decisions. Human resource decisions include, but are not limited to: Staff assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal, and superintendent; and reduction in force. Nothing in this section limits the ability to collectively bargain how the multiple factors shall be used in making human resource or personnel decisions, with the exception that evaluation results must be a factor.

(b) The office of the superintendent of public instruction must, in accordance with RCW 43.01.036, report to the legislature and the governor regarding the school district implementation of the provisions of (a) of this subsection by December 1, ~~((2017))~~ 2019, and December 1, 2020.

(9) Each certificated classroom teacher and certificated support personnel shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.

(10) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated classroom teachers and certificated support

personnel or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300.

(11) After a certificated classroom teacher ~~((or))~~ who is not required to be on the four-level rating evaluation system or a certificated support personnel has four years of satisfactory evaluations under subsection (1) of this section, a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional growth, an evaluation under subsection (1) or (2) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) or (2) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. A locally bargained short-form evaluation emphasizing professional growth must provide that the professional growth activity conducted by the certificated classroom teacher be specifically linked to one or more of the certificated classroom teacher evaluation criteria. However, the evaluation process set forth in subsection (1) or (2) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) or (2) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) or (2) of this section may be used as a basis for determining that an employee's work is not satisfactory under subsection (1) or (2) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise. ~~((The provisions of this subsection apply to certificated classroom teachers only until the teacher has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section.))~~

(12) ~~((AH))~~ Certificated classroom teachers and principals who ~~((have been transitioned to the revised evaluation systems pursuant to the district implementation schedule adopted under subsection (7)(c) of this section))~~ are required to be on the four-level rating evaluation system must receive annual performance evaluations as provided in this subsection~~((s))~~ (12).

(a) ~~((All classroom teachers and principals shall receive a comprehensive summative evaluation at least once every four years.))~~ A comprehensive ~~((summative))~~ performance evaluation assesses all eight evaluation criteria and all criteria contribute to the comprehensive ~~((summative evaluation))~~ performance rating. Classroom teachers and principals must receive a comprehensive performance evaluation according to the schedule specified in (b) of this subsection.

(b)(i) Except as otherwise provided in this subsection (12)(b), classroom teachers and principals must receive a comprehensive performance evaluation at least once every six years.

~~((b))~~ (ii) The following ((categories)) types of classroom teachers and principals ((shall)) must receive an annual comprehensive ((summative)) performance evaluation:

~~((i))~~ (A) A classroom teacher((s)) who ((are)) is a provisional employee((s)) under RCW 28A.405.220;

~~((ii))~~ (B) A principal((s)) in the first three consecutive school years of employment as a principal;

~~((iii))~~ (C) A principal((s)) previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district; and

~~((iv Any))~~ (D) A classroom teacher or principal who received a comprehensive ((summative evaluation)) performance rating of level 1 or level 2 in the previous school year.

(c)(i) In the years when a comprehensive ~~((summative))~~ performance evaluation is not required, classroom teachers and principals who received a comprehensive ~~((summative evaluation))~~ performance rating of level 3 or above in ~~((the previous school year))~~ their previous comprehensive performance evaluation are required to complete a focused performance evaluation. A focused performance evaluation includes an assessment of one of the eight criteria selected for a performance rating plus professional growth activities specifically linked to the selected criteria.

(ii) The selected criteria must be approved by the teacher's or principal's evaluator and may have been identified in a previous comprehensive ~~((summative))~~ performance evaluation as benefiting from additional attention. A group of teachers may focus on the same evaluation criteria and share professional growth activities. A group of principals may focus on the same evaluation criteria and share professional growth activities.

(iii) The evaluator must assign a ~~((comprehensive summative evaluation))~~ performance rating for the focused performance evaluation using the methodology adopted by the superintendent of public instruction for the instructional or leadership framework being used.

(iv) A teacher or principal may be transferred from a focused performance evaluation to a comprehensive ~~((summative))~~ performance evaluation at the request of the teacher or principal, or at the direction of the teacher's or principal's evaluator.

(v) Due to the importance of instructional leadership and assuring rater agreement among evaluators, particularly those evaluating teacher performance, school districts are encouraged to conduct comprehensive ~~((summative))~~ performance evaluations of principals ~~((performance))~~ on an annual basis.

(vi) A classroom teacher or principal may apply the focused performance evaluation professional growth activities toward the professional growth plan for ~~((professional))~~ certificate renewal as required by the Washington professional educator standards board.

(13) Each school district is encouraged to acknowledge and recognize classroom teachers and principals who have attained level 4 - distinguished performance ratings.

Sec. 304. RCW 28A.410.278 and 2012 c 35 s 4 are each amended to read as follows:

REDUCING TRAINING REQUIREMENTS.

(1)~~((a))~~ After August 31, 2013, candidates for a residency principal certificate must have demonstrated knowledge of teacher evaluation research and Washington's evaluation requirements and successfully completed opportunities to practice teacher evaluation skills.

~~((b))~~ (2) At a minimum, principal preparation programs must address the following knowledge and skills related to evaluations under RCW 28A.405.100:

~~((i))~~ (a) Examination of ((Washington)) teacher and principal evaluation criteria, and ((four tiered performance)) four-level rating evaluation system, and the preferred instructional and leadership frameworks used to describe the evaluation criteria;

~~((ii))~~ (b) Classroom observations;

~~((iii))~~ (c) The use of student growth data and multiple measures of performance;

~~((iv))~~ (d) Evaluation conferencing;

~~((v))~~ (e) Development of classroom teacher and principal support plans resulting from an evaluation; and

~~((vi))~~ (f) Use of an online tool to manage the collection of observation notes, teacher and principal-submitted materials, and other information related to the conduct of the evaluation.

~~((2) Beginning September 1, 2016, the professional educator standards board shall incorporate in service training or continuing education on the revised teacher and principal evaluation systems under RCW 28A.405.100 as a requirement for renewal of continuing or professional level certificates, including requiring knowledge and competencies in teacher and principal evaluation systems as an aspect of professional growth plans used for certificate renewal.)~~

MICROCREDENTIALS

NEW SECTION. Sec. 305. A new section is added to chapter 28A.630 RCW to read as follows:

(1) By October 31, 2019, and in compliance with RCW 43.01.036, the Washington professional educator standards board must report to the appropriate committees of

the legislature on the results of the three microcredential pilot grant programs the board conducted during the 2018-19 academic year. The report must include: (a) A description of microcredentials and how microcredentials are used; (b) a description of and rationale for each microcredential pilot grant program; (c) information on the participants in each program, such as demographics and geographic distribution; and (d) the results of each program, including the number of participants who completed the program and earned a microcredential. The report must also include recommendations for continuing, modifying, or expanding the use of microcredentials.

(2) This section expires July 1, 2020.

NEW SECTION. Sec. 306. A new section is added to chapter 28A.410 RCW to read as follows:

The Washington professional educator standards board is prohibited from expanding the use of microcredentials beyond the microcredential pilot grant programs in existence on the effective date of this section unless and until the legislature directs the board to do so.

POSTRETIREMENT EMPLOYMENT

Sec. 307. RCW 41.32.068 and 2016 c 233 s 7 are each amended to read as follows:

In addition to the postretirement employment options available in RCW 41.32.802 or 41.32.862, ~~((and only until August 1, 2020))~~ a teacher in plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) or 41.32.875(3)(b) may be employed with an employer for up to eight hundred sixty-seven hours per calendar year without suspension of his or her benefit, provided that: (1) The retired teacher reenters employment more than one calendar month after his or her accrual date and after June 9, 2016; (2) ~~((the retired teacher))~~ the retired teacher is employed ~~((exclusively as either a substitute teacher as defined in RCW 41.32.010(48)(a) in an instructional capacity, as opposed to other capacities identified in RCW 41.32.010(49); and (3) the employing school district compensates the district's substitute teachers at a rate that is at least eighty-five percent of the full daily amount allocated by the state to the district for substitute teacher compensation))~~ in a nonadministrative capacity.

NEW SECTION. Sec. 308. A new section is added to chapter 41.35 RCW to read as follows:

In addition to the postretirement employment options available in RCW 41.35.060, a retiree in the school employees' retirement system plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.35.420(3)(b) or 41.35.680(3)(b) may be employed with an employer for up to eight hundred sixty-seven hours per calendar year without suspension of his or her benefit, provided that: (1) The retiree reenters employment more than one calendar month after his or her accrual date; and (2) the retiree is employed in a nonadministrative position.

NEW SECTION. Sec. 309. 2016 c 233 s 19 (unmodified) is repealed.

REPRIMAND CONSIDERATIONS STUDY

NEW SECTION. Sec. 310. By December 1, 2020, the office of the superintendent of public instruction and the Washington professional educator standards board shall jointly report to the education committees of the legislature regarding the effect that discipline issued against professional educator certificates under RCW 28A.410.090 has on the recruitment and retention of educators in Washington state. The report must include at least the following:

(1) A comparison of the laws governing educator certificate discipline to the uniform disciplinary act, chapter 18.130 RCW;

(2) Recommendations regarding alternative forms of discipline that may be imposed on certificates of professional educators, including probation, the payment of a fine, and corrective action;

(3) Recommendations regarding the improvement of the administration of professional educator certificate discipline in Washington; and

(4) A recommendation regarding whether the Washington professional educator standards board should be authorized to establish a process for review and expungement of reprimands issued against educator certifications.

NEW SECTION. Sec. 311. A new section is added to chapter 28A.400 RCW to read as follows:

A school district employment application may not include a question asking whether the applicant has ever been placed on administrative leave.

PART IV

STRENGTHENING AND SUPPORTING PROFESSIONAL

PATHWAYS FOR EDUCATORS—THE COLLABORATIVE

NEW SECTION. Sec. 401. FINDINGS—INTENT. (1) The legislature finds that additional time and resources are necessary to establish a comprehensive and coordinated long-term vision that addresses Washington's demands for an excellent, effective educator workforce. The legislature recognizes that such an undertaking requires focused efforts to develop meaningful policy options to expand the current and future workforce supply.

(2) Therefore, the legislature intends to establish a professional educator collaborative, including a variety of stakeholders, to make recommendations on how to improve and strengthen state policies, programs, and pathways that

lead to highly effective educators at each level of the public common school system.

NEW SECTION. Sec. 402. A new section is added to chapter 28A.410 RCW to read as follows:

THE COLLABORATIVE.

(1) For the purpose of this section, "educator" means a paraeducator, teacher, principal, administrator, superintendent, school counselor, school psychologist, school social worker, school nurse, school physical therapist, school occupational therapist, or school speech-language pathologist or audiologist. "Educator" includes persons who hold, or have held, certificates as authorized by rule of the Washington professional educator standards board.

(2)(a) The professional educator collaborative is established to make recommendations on how to improve and strengthen state policies, programs, and pathways that lead to highly effective educators at each level of the public school system.

(b) The collaborative shall examine issues related to educator recruitment, certification, retention, professional learning and development, leadership, and evaluation for effectiveness. The examination must consider what barriers and deterrents hinder the recruitment and retention of professional educators, including those from underrepresented populations. The collaborative shall also consider what incentives and supports could be provided at each stage of an educator's career to produce a more effective educational system. Specifically, the collaborative must review the following issues:

(i) Educator recruitment, including the role of school districts, community and technical colleges, preparation programs, and communities, and the efficacy of financial incentives and other types of support on recruitment;

(ii) Educator preparation, including traditional and alternative route program design and content, the role of community and technical colleges, field experience duration and quality, the efficacy of financial assistance and incentives, such as apprenticeship models or other methods of providing compensation to working candidates, on program completion, school district and community connections, and the need for and efficacy of academic and social support for students;

(iii) Educator certificate types and tiers, including requirements for an initial or first-tier certificate, requirements for advanced certificates, and requirements that are transferable between certificate types;

(iv) Educator certificate renewal requirements, including comparing professional growth plan requirements with the teacher and principal residency certificate renewal requirements established in RCW 28A.410.251;

(v) Educator evaluation, including comparison to educator certificate renewal requirements to determine inconsistent or duplicative requirements or efforts,

implementation issues and tool refinement, and relationship with educator compensation;

(vi) Educator certificate reciprocity;

(vii) Professional learning and development opportunities, particularly for mid-career teachers;

(viii) Leadership in the education system, including best practices of high quality leaders, training for principals and administrators, and identifying and developing teachers as leaders; and

(ix) Systems monitoring, including collection of outcomes data on educator production, employment, and retention, and the value in a cost-benefit analysis of state recruitment and retention activities.

(3)(a) The members of the collaborative must include representatives of the following organizations:

(i) The two largest caucuses of the senate and the house of representatives, appointed by the president of the senate and the speaker of the house of representatives, respectively;

(ii) The Washington professional educator standards board;

(iii) The office of the superintendent of public instruction;

(iv) The Washington association of colleges for teacher education;

(v) The Washington state school directors' association;

(vi) The Washington education association;

(vii) The Washington association of school administrators;

(viii) The association of Washington school principals; and

(ix) The association of Washington school counselors.

(b) Each organization listed in (a) of this subsection must designate one voting member, except that each legislator is a voting member.

(c) The collaborative shall choose its chair or cochairs from among its members.

(d) The voting members of the collaborative, where appropriate, may consult with stakeholders, including representatives of other educator associations, or ask stakeholders to establish an advisory committee. Members of such an advisory committee are not entitled to expense reimbursement.

(e) The voting members of the collaborative must consult with the student achievement council's office of student financial assistance on issues related to financial incentives, assistance, and supports.

(4)(a) Staff support for the collaborative must be provided by the Washington professional educator standards

board, and from other state agencies, including the office of the superintendent of public instruction, if requested by the collaborative.

(b) The Washington professional educator standards board must convene the initial meeting of the collaborative within sixty days of the effective date of this section.

(5) The collaborative must contract with a nonprofit, nonpartisan institute that conducts independent, high quality research to improve education policy and practice and that works with policymakers, researchers, educators, and others to advance evidence-based policies that support equitable learning for each child for the purpose of consultation and guidance on meeting agendas and materials development, meeting facilitation, documenting collaborative discussions and recommendations, locating and summarizing useful policy and research documents, and drafting required reports.

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

(7)(a) By November 1, 2020, and in compliance with RCW 43.01.036, the collaborative shall submit a preliminary report to the education committees of the legislature that makes recommendations on the educator certificate types, tiers, and renewal issues described in subsection (2) of this section. The report must also describe the activities of the collaborative to date, and include any preliminary recommendations agreed to by the collaborative on other issues described in subsection (2) of this section.

(b) By November 1, 2021, and in compliance with RCW 43.01.036, the collaborative shall submit a final report to the education committees of the legislature that describes the activities of the collaborative since the preliminary report and makes recommendations on each issue described in subsection (2) of this section, including the fiscal implications of each recommendation at the state and local level. The report must also describe the expected efficiencies achieved by implementing the recommended comprehensive and coordinated system.

(8) This section expires July 1, 2022.

NEW SECTION. Sec. 403. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 404. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

On page 1, line 8 of the title, after "opportunities;" strike the remainder of the title and insert "amending RCW

28A.415.370, 28A.180.120, 28A.660.020, 28A.660.035, 28B.10.033, 28B.76.699, 28A.415.270, 28A.630.205, 28B.102.020, 28B.102.030, 28B.102.045, 28B.102.090, 28A.660.042, 28A.660.045, 28B.102.055, 28B.102.080, 28B.15.558, 28A.415.265, 28A.405.100, 28A.410.278, and 41.32.068; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28A.310 RCW; adding new sections to chapter 28A.630 RCW; adding new sections to chapter 28A.410 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.76 RCW; adding new sections to chapter 28B.102 RCW; adding a new section to chapter 28A.660 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 28A.400 RCW; creating new sections; recodifying RCW 28A.630.205, 28A.660.042, and 28A.660.045; repealing RCW 28B.102.010, 28B.102.040, 28B.102.050, 28B.102.060, 28A.660.050, and 28A.660.055; repealing 2016 c 233 s 19 (uncodified); providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1139 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Santos and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1139, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1139, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton,

Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1139, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Second Substitute House Bill No. 1139.

Representative Stokesbary, 31st District

MESSAGE FROM THE SENATE

April 15, 2019

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1436 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.16A RCW to read as follows:

(1) It is the intent of the legislature to create a concurrent licensing process to allow the owner of a motorcycle to maintain concurrent but separate registrations for the vehicle, for use as a motorcycle and for use as a snow bike.

(2) The department shall allow the owner of a motorcycle to maintain concurrent licenses for the vehicle for use as a motorcycle and for use as a snow bike. When the vehicle is registered as a motorcycle, the terms of the registration are those under this chapter that apply to motorcycles, including applicable fees. When the vehicle is registered as a snow bike, the terms of the registration are those under chapter 46.10 RCW that apply to snowmobiles, including applicable fees.

(3) The department shall establish a declaration subject to the requirements of RCW 9A.72.085, which must be submitted by the motorcycle owner when initially applying for a snowmobile registration under chapter 46.10 RCW for the use of the converted motorcycle as a snow bike. The declaration must include a statement signed by the owner that a motorcycle that had been previously converted to a snow bike must conform with all applicable federal motor vehicle safety standards and state standards while in use as a motorcycle upon public roads, streets, or highways. Once submitted by the motorcycle owner, the declaration is valid until the vehicle is sold or the title is otherwise transferred.

(4) The department may adopt rules to implement this section.

NEW SECTION. Sec. 2. A new section is added to chapter 46.10 RCW to read as follows:

The owner of a motorcycle may apply for a snowmobile registration as provided in section 1 of this act and under the terms of this chapter to use the motorcycle, when properly converted, as a snow bike for the purposes of this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 46.61 RCW to read as follows:

A person may operate a motorcycle, that previously had been converted to a snow bike, upon a public road, street, or highway of this state if:

(1) The person files a motorcycle highway use declaration, as provided under section 1 of this act, with the department certifying conformance with all applicable federal motor vehicle safety standards and state standards while in use as a motorcycle upon public roads, streets, or highways;

(2) The person obtains a valid driver's license and motorcycle endorsement issued to Washington residents in compliance with chapter 46.20 RCW for a motorcycle; and

(3) The motorcycle conforms to all applicable federal motor vehicle safety standards and state standards.

NEW SECTION. Sec. 4. A new section is added to chapter 46.04 RCW to read as follows:

"Snow bike" means a motorcycle or off-road motorcycle that has been modified with a conversion kit to include (1) an endless belt tread or cleats or similar means for the purposes of propulsion on snow and (2) a ski or sled type runner for the purposes of steering.

Sec. 5. RCW 46.10.300 and 2010 c 161 s 225 are each reenacted and amended to read as follows:

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

(1) "All terrain vehicle" means any self-propelled vehicle other than a snowmobile, capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including, but not limited to, four-wheel vehicles, amphibious vehicles, ground effect or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, or any military or law enforcement vehicles.

(2) "Commission" means the Washington state parks and recreation commission.

(3) "Committee" means the Washington state parks and recreation commission snowmobile advisory committee.

(4) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail in this state.

(5) "Highway" means the entire width of the right-of-way of a primary and secondary state highway, including any portion of the interstate highway system.

(6) "Hunt" means any effort to kill, injure, capture, or disturb a wild animal or wild bird.

(7) "Public roadway" means the entire width of the right-of-way of any road or street designed and ordinarily used for travel or parking of motor vehicles, which is controlled by a public authority other than the Washington state department of transportation, and which is open as a matter of right to the general public for ordinary vehicular traffic.

(8) "Snowmobile" means both "snowmobile" as defined in RCW 46.04.546 and "snow bike" as defined in section 4 of this act.

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

On page 1, line 1 of the title, after "bikes;" strike the remainder of the title and insert "reenacting and amending RCW 46.10.300; adding a new section to chapter 46.16A RCW; adding a new section to chapter 46.10 RCW; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1436 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1436, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1436, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers,

Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1436, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 17, 2019

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1893 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.50 RCW to read as follows:

(1)(a) Subject to availability of amounts appropriated for this specific purpose, the emergency assistance grant program is established to provide students of community and technical colleges monetary aid to assist students experiencing unforeseen emergencies or situations that affect the student's ability to attend classes.

(b) The college board shall administer the competitive grant program in accordance with this section.

(2) The college board shall establish eligibility criteria for community and technical colleges to apply for grants under the grant program. At a minimum, to be eligible for a grant, a community or technical college must:

(a) Demonstrate the need for grant funds. Demonstrating need may include producing demographic data on student income levels, the number of students experiencing food insecurity or homelessness, the number of students who meet the definition of "needy student" under RCW 28B.92.030, the number of students accessing the college's food pantry, if one is available, and other information specific to the student population;

(b) Ensure that students' access to emergency aid funds will be as low barrier as possible and will not require the student to have to fill out the free application for federal student aid to receive emergency funds. However, the

college must require the student to request assistance in writing;

(c) Allow flexibility in which students may apply for emergency aid funds. Students who may not meet the definition of "needy student" but who may be experiencing emergency situations must be able to apply for emergency aid funds; and

(d) Indicate how the college will prioritize the disbursement of emergency aid funds.

(3) In selecting grant recipients, the college board must consider a community or technical college's demonstration of need and the resources and programs already in existence at the college.

(4) A community or technical college shall use grant funds to provide students emergency aid in the form of monetary grants to assist the student in, for example, purchasing food, paying utilities or rent, paying for transportation, child care, or other goods or services that the student needs in order to continue to attend classes. Emergency aid under the grant program is considered a grant and a student is not required to reimburse the community or technical college.

(5) The college board must begin accepting applications for the grant program by December 1, 2019.

(6) The college board shall submit a report to the appropriate committees of the legislature beginning December 1, 2020, and each December 1st thereafter. At a minimum, the report must:

(a) Identify the community and technical colleges receiving grants and the amounts of the grants; and

(b) Summarize how the community and technical colleges distributed funds to students, and provide the number of students, the amounts, and the emergency conditions for which funds were granted.

NEW SECTION. Sec. 2. (1) The legislature finds that students who receive supplemental nutrition assistance program benefits in the form of an electronic benefit transfer card cannot use these benefits to purchase food items from on-campus food retail establishments at institutions of higher education. On-campus food retail establishments or point-of-sale locations such as cafeterias, bookstores, and cafes do not qualify as retail food stores under the federal food and nutrition act of 2008 because these on-campus food retail establishments either do not sell enough categories of staple foods or do not gross over fifty percent of their total sales from staple foods.

(2) The legislature recognizes that students perform better in classes when they are well-nourished, yet finds that students who receive supplemental nutrition assistance program benefits have to travel off campus to use their benefits at a participating vendor, incurring extra travel costs, reducing study time, and causing unnecessary stress.

(3) The legislature finds that this limitation on the use of supplemental nutrition assistance program benefits is

a barrier that prevents public and private institutions of higher education from providing equal access to food retail establishments on campuses to all students, faculty, and staff regardless of economic status. The legislature recognizes that eliminating this barrier is vital to assuring equal access to every aspect of Washington's public and private institutions of higher education.

(4) The legislature intends to have the department of social and health services request a waiver from the United States department of agriculture to allow students to use their electronic benefit transfer card at on-campus food retail establishments at Washington's public and private institutions of higher education.

NEW SECTION. Sec. 3. A new section is added to chapter 43.20A RCW to read as follows:

(1) The department shall, in consultation with the state board for community and technical colleges and the student achievement council, seek all necessary exemptions and waivers from and amendments to federal statutes, rules, and regulations, as set forth in this section. These exemptions and waiver requests shall seek to authorize Washington's public and private institutions of higher education to accept supplemental nutrition assistance program benefits in the form of an electronic benefit transfer card at the institutions' on-campus food retail establishments.

(2) The department shall report to the appropriate legislative committees quarterly on the efforts to secure the federal changes to permit full implementation of this act at the earliest possible date.

(3) In the event that the department is not able to obtain the necessary exemptions, waivers, or amendments referred to in subsection (1) of this section before January 1, 2020, this section expires on that date and has no further force or effect.

NEW SECTION. Sec. 4. A new section is added to chapter 43.20A RCW to read as follows:

(1)(a) For the purposes of community and technical college students' eligibility for the Washington basic food program, the department shall, in consultation with the state board for community and technical colleges, identify educational programs at the community and technical colleges that would meet the requirements of state-approved employment and training programs.

(b) In identifying educational programs, the department must consider science, technology, engineering, and mathematics programs and must be as inclusive as possible of other programs.

(c) The department shall maintain and regularly update a list of identified programs in accordance with 7 C.F.R. Sec. 273.5(b)(11), which provides that a student is eligible for an exemption from eligibility rules if the student's attendance can be described as part of a program to increase the student's employability.

(d) For the purposes of this section, and to the extent allowed by federal law, a student shall be anticipating participation through a work-study program if he or she can reasonably expect or foresee being assigned work-study employment. For the purposes of this subsection: "Anticipation participation" means a student has received approval of work-study as part of a financial aid package and has yet to receive notice from the institution of higher education that he or she has been denied participation in work-study; and "work-study" means the program created in chapter 28B.12 RCW.

(e) The department shall coordinate with the state board of community and technical colleges and the Washington state student achievement council to identify options that could confer categorical eligibility for students who receive state need grants that are funded through temporary assistance for needy families federal or state maintenance of effort dollars. By January 1, 2020, the department must provide a report to the appropriate committees of the legislature that identifies federal assistance options for state need grant recipients.

(2) If the United States department of agriculture requires federal approval of what constitutes state-approved employment and training programs for the purposes of basic food eligibility, the department shall seek federal approval.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.92 RCW to read as follows:

(1) Each institution of higher education shall provide written notification to every student eligible for the state need grant or state work-study program of possible eligibility for the supplemental nutrition assistance program. The written notification must include information on how to apply for the supplemental nutrition assistance program.

(2) In the event the department of social and health services is not able to obtain the necessary exemptions, waivers, or amendments referred to in section 3 of this act before January 1, 2020, this section expires on that date and has no further force and effect.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 7. The department of social and health services must provide written notice of the expiration date of section 3 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "enrolled;" strike the remainder of the title and insert "adding a new section to chapter 28B.50 RCW; adding new sections to chapter 43.20A RCW; adding a new section to chapter 28B.92 RCW; creating new sections; and providing contingent expiration dates."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1893 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Van Werven spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1893, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1893, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen and Wylie.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1893, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 17, 2019

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) It is the legislature's intent to support full recovery of gray wolves in Washington state in accordance with the department of fish and wildlife's 2011 wolf recovery and management plan and state law. It is also the legislature's intent to support the livestock industry and rural lifestyles and ensure that state agencies and residents have the tools necessary to support coexistence with wolves.

(2) The wolf plan requires that the department of fish and wildlife conduct a review of the effectiveness of the plan's implementation every five years. The legislature finds that because the regional recovery goals have been exceeded in the eastern Washington recovery region, but not yet in other regions, it is timely for the department of fish and wildlife to conduct a periodic status review and recommend to the state fish and wildlife commission whether a change in status is warranted.

(3) Furthermore, the legislature recognizes that management of wolf-livestock conflict is key to both wolf recovery and public acceptance of wolves in rural areas and that as the wolf population grows, and even after it achieves recovery, stable and adequate funding for nonlethal wolf deterrence will be needed to support livestock producers and the livestock industry and minimize the need for lethal removal of wolves. As such, it is the intent of the legislature, regardless of the listing status of gray wolves, to continue to sufficiently fund nonlethal deterrents for minimizing depredation of livestock by wolves. Proactive deterrence and community collaboration, as set forth in RCW 16.76.020, are necessary to reduce conflict between wolves and livestock and will be important for maintaining the economic viability of the livestock industry, the state's wolf populations, and public acceptance of wolves in northeast Washington after wolves have recovered and have been delisted.

(4) Further, the legislature intends to expand funding and personnel resources in the department of fish and wildlife for similar nonlethal deterrent efforts to mitigate conflicts statewide, as wolves recover in the remainder of the state beyond northeast Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 77.12 RCW to read as follows:

The department shall implement conflict mitigation guidelines that distinguish between wolf recovery regions, identified in the 2011 wolf conservation and management plan, that are at or above the regional recovery objective and wolf recovery regions that are below the regional recovery objective. In developing conflict management guidelines, the department shall consider the provisions of its 2011 wolf recovery and management plan, and all regional plans must include proactive nonlethal deterrents regardless of listing status.

NEW SECTION. Sec. 3. A new section is added to chapter 77.36 RCW to read as follows:

The department shall maintain sufficient staff resources in Ferry and Stevens counties for response to wolf-livestock conflict on an ongoing basis and for coordination with livestock producers on the continued implementation of proactive nonlethal deterrents.

Sec. 4. RCW 16.76.020 and 2017 c 257 s 3 are each amended to read as follows:

(1) The northeast Washington wolf-livestock management grant is created within the department. Funds from the grant program must be used only for the deployment of nonlethal deterrence resources in any Washington county east of the crest of the Cascade mountain range that shares a border with Canada, including human presence, and locally owned and deliberately located equipment and tools.

(2)(a) A four-member advisory board is established to advise the department on the expenditure of the northeast Washington wolf-livestock management grant funds. Advisory board members must be knowledgeable about wolf depredation issues, and have a special interest in the use of nonlethal wolf management techniques. Board members are unpaid, are not state employees, and are not eligible for reimbursement for subsistence, lodging, or travel expenses incurred in the performance of their duties as board members. The director must appoint each member to the board for a term of two years. Board members may be reappointed for subsequent two-year terms. The following board members must be appointed by the director in consultation with each applicable conservation district and the legislators in the legislative district encompassing each county:

(i) One Ferry county conservation district board member or staff member;

(ii) One Stevens county conservation district board member or staff member;

(iii) One Pend Oreille conservation district board member or staff member; and

(iv) One Okanogan conservation district board member or staff member.

(b) If no board member or staff member qualifies under this section, the director must appoint a resident of the applicable county to serve on the board.

(c) Board members may not:

(i) Directly benefit, in whole or in part, from any contract entered into or grant awarded under this section; or

(ii) Directly accept any compensation, gratuity, or reward in connection with such a contract from any other person with a beneficial interest in the contract.

(3) The board must help direct funding for the deployment of nonlethal deterrence resources, including human presence, and locally owned and deliberately located equipment and tools. Funds may only be distributed to nonprofit community-based collaborative organizations that have advisory boards that include personnel from relevant agencies including, but not limited to, the United States forest service and the Washington department of fish and wildlife (~~(, or to individuals that are willing to receive technical assistance from the same agencies)~~).

(4) To ensure accountability and efficient use of funds between agencies involved in wolf-livestock management, the department must maintain a list of grants awarded under this section and at least annually share the list with the department of fish and wildlife.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "recovery;" strike the remainder of the title and insert "amending RCW 16.76.020; adding a new section to chapter 77.12 RCW; adding a new section to chapter 77.36 RCW; and creating new sections."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kretz and Blake spoke in favor of the passage of the bill.

MOTION

On motion of Representative Mead, Representative Wylie was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2097, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2097, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Wylie.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1789, by Representatives Fey, Barkis, Irwin, Dent, Young, Mead, Chambers, Stanford, Ryu, Caldier, Springer, Walsh, Kloba, Kirby, Wylie, Griffey, Stokesbary, Vick, Appleton, Lovick, Ortiz-Self, Schmick, Steele, Dye, Doglio, Goodman and Santos

Making adjustments to the service and filing fees for vehicle subagents and county auditors.

The bill was read the second time.

Representative Fey moved the adoption of amendment (189):

On page 2, line 29, after "~~((Twelve))~~" strike "Twenty-four" and insert "Eighteen"

On page 2, line 35, after "~~((Five))~~" strike "Ten" and insert "Eight"

Representatives Fey and Barkis spoke in favor of the adoption of the amendment.

Amendment (189) was adopted.

The bill was ordered engrossed.

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

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1789.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1789, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 1.

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

Voting nay: Representatives Blake, DeBolt, Dufault, Kilduff, Kraft, Leavitt, Mead, Orcutt, Paul, Ramos, Shewmake and Sutherland.

Excused: Representative Wylie.

ENGROSSED HOUSE BILL NO. 1789, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2161, by Representatives Fey and Fitzgibbon

Concerning ferry vessel procurement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2161 was substituted for House Bill No. 2161 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2161 was read the second time.

Representative Fey moved the adoption of the striking amendment (767):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.60.810 and 2015 3rd sp.s. c 14 s 3 are each amended to read as follows:

(1) The department shall use a modified request for proposals process when purchasing new auto ferries, except for new 144-auto ferries purchased through an option on a contract executed before July 6, 2015, whereby the prevailing shipbuilder and the department engage in a design and build partnership for the design and construction of the auto ferries. The process consists of the three phases described in subsection (3) of this section.

(2) Throughout the three phases described in subsection (3) of this section, the department shall employ an independent owner's representative to serve as a third-party intermediary between the department and the proposers, and subsequently the successful proposer. However, this representative shall serve only during the development and construction of the first vessel constructed as part of a new class of vessels developed after July 6, 2015. The independent owner's representative shall:

(a) Serve as the department's primary advocate and communicator with the proposers and successful proposer;

(b) Perform project quality oversight;

(c) Manage any change order requests;

(d) Ensure that the contract is adhered to and the department's best interests are considered in all decisions; and

(e) Possess knowledge of and experience with inland waterways, Puget Sound vessel operations, the propulsion system of the new vessels, and Washington state ferries operations.

(3) The definitions in this subsection apply throughout RCW 47.60.812 through 47.60.822.

(a) "Phase one" means the evaluation and selection of proposers to participate in development of technical proposals in phase two.

(b) "Phase two" means the preparation of technical proposals by the selected proposers in consultation with the department.

(c) "Phase three" means the submittal and evaluation of bids, the award of the contract to the successful proposer, and the design and construction of the auto ferries.

(4) The department may modify an existing option contract executed prior to July 6, 2015, to allow for the purchase of up to five additional 144-auto ferries, for a total of nine 144-auto ferries. The department must execute a new modification to an existing option contract for each of the additional five ferries.

NEW SECTION. Sec. 2. A new section is added to chapter 47.60 RCW to read as follows:

(1) To increase small business participation in ferry vessel procurement, the Washington state department of transportation's office of equal opportunity shall develop and monitor a state small business enterprise enforceable goals

program. Pursuant to this program, the office shall establish contract goals for ferry vessel procurement. The contract goal is defined as a percentage of the contract award amount that the prime contractor must meet by subcontracting with small business enterprises. The enforceable goal for all ferry vessel procurement contracts will be set by the office. Prime contractors unable to meet the enforceable goal must submit evidence of good faith efforts to meet the contract goal to the small business enterprise enforceable goals program.

(2) Small business enterprises intending to benefit from the small business enterprise enforceable goals program established in subsection (1) of this section must meet the definition of "small business" in RCW 39.26.010. Prime contractors will enter all subcontractor payments into the office's diversity management and compliance system. The office of equal opportunity shall monitor program performance.

Sec. 3. RCW 47.60.315 and 2011 1st sp.s. c 16 s 3 are each amended to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year;

(b) By September 1st of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

(5) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare.

(6) The commission may not raise fares until the fare rules contain pricing policies developed under RCW 47.60.290, or September 1, 2009, whichever is later.

(7) The commission shall impose a vessel replacement surcharge of twenty-five cents on every one-way and round-trip ferry fare sold, including multiride and monthly pass fares. This surcharge must be clearly indicated to ferry passengers and drivers and, if possible, on the fare media itself.

(8) Beginning May 1, 2020, the commission shall impose an additional vessel replacement surcharge in an amount sufficient to fund twenty-five year debt service on one 144-auto hybrid vessel taking into account funds provided in chapter . . . (HB 1789), Laws of 2019 or chapter . . . (SSB 5419), Laws of 2019. The department of transportation shall provide to the commission vessel and debt service cost estimates. Information on vessels constructed or purchased with revenue from the surcharges must be publicly posted including, but not limited to, the commission web site.

(9) The vessel replacement surcharges imposed in this section may only be used for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of new ferry vessels."

Correct the title.

Representative Young moved the adoption of amendment (772) to the striking amendment (767):

On page 1, after line 2 of the striking amendment, insert the following:

"NEW SECTION, Sec. 1. In 2015, as part of the connecting Washington legislation, chapter 14, laws of 2015 enacted reforms in ferry vessel procurement to control costs and increase accountability, with specific direction to open the procurement to competition if limiting bidders to Washington shipyards results in high bids. In compliance with the 2015 legislation, the department is authorized to issue a new request for proposals to competitively bid the design and construction of the next series of up to five additional 144-auto ferries. The department must proceed with the procurement process authorized in this section in parallel with the construction of new vessels authorized in section 2 of this act."

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

On page 2, at the beginning of line 8 of the striking amendment, strike "five" and insert "two"

On page 2, line 8 of the striking amendment, after "total of" strike "nine" and insert "six"

Representatives Young, Caldier, Orcutt, Smith, DeBolt, Walsh, DeBolt (again), Griffey, Caldier (again) and Hoff spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Fey and Chapman spoke against the adoption of the amendment to the striking amendment.

MOTION

On motion of Representative Riccelli, Representative Reeves was excused.

Amendment (772) to the striking amendment (767) was not adopted.

Representative Young moved the adoption of amendment (771) to the striking amendment (767):

On page 1, beginning on line 3 of the striking amendment, strike all of section 1 and insert the following:

"**NEW SECTION. Sec. 1.** In 2015, as part of the connecting Washington legislation, chapter 14, laws of 2015 enacted reforms in ferry vessel procurement to control costs and increase accountability, with specific direction to open the procurement to competition if limiting bidders to Washington shipyards results in high bids. In compliance with the 2015 legislation, the department is authorized to issue a new request for proposals to competitively bid the design and construction of the next series of up to five additional 144-auto ferries."

Representatives Young, Caldier, Orcutt and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Fey and Chapman spoke against the adoption of the amendment to the striking amendment.

Amendment (771) to the striking amendment (767) was not adopted.

The striking amendment (767) was adopted.

The bill was ordered engrossed.

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

Representatives Fey and Barkis spoke in favor of the passage of the bill.

Representatives Walsh, Young, Caldier and Sutherland spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2161.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2161, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stokesbary, Stonier, Sullivan,

Tarleton, Thai, Tharinger, Valdez, Walen, Wilcox and Wylie.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Morris, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Ybarra and Young.

Excused: Representative Reeves.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2161, having received the necessary constitutional majority, was declared passed.

With the consent of the House, all bills previously acted on were immediately transmitted to the Senate.

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

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE BILL NO. 1016
 SUBSTITUTE HOUSE BILL NO. 1083
 SUBSTITUTE HOUSE BILL NO. 1155
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL
 NO. 1324
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1593
 SECOND SUBSTITUTE HOUSE BILL NO. 1767
 SECOND SUBSTITUTE HOUSE BILL NO. 1907
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1923
 ENGROSSED HOUSE BILL NO. 2067
 HOUSE BILL NO. 2144
 SECOND SUBSTITUTE HOUSE BILL NO. 1087
 SUBSTITUTE HOUSE BILL NO. 1196
 SECOND SUBSTITUTE HOUSE BILL NO. 1216
 SUBSTITUTE HOUSE BILL NO. 1225
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL
 NO. 1257
 SECOND SUBSTITUTE HOUSE BILL NO. 1394
 SECOND SUBSTITUTE HOUSE BILL NO. 1444
 HOUSE BILL NO. 1462
 ENGROSSED HOUSE BILL NO. 1465
 SUBSTITUTE HOUSE BILL NO. 1476
 HOUSE BILL NO. 1505
 ENGROSSED HOUSE BILL NO. 1564
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1578
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1582
 ENGROSSED HOUSE BILL NO. 1638
 ENGROSSED HOUSE BILL NO. 1706
 SUBSTITUTE HOUSE BILL NO. 1739
 SUBSTITUTE HOUSE BILL NO. 1786
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1874
 SENATE BILL NO. 5054

SENATE BILL NO. 5179
 SENATE BILL NO. 5260
 SUBSTITUTE SENATE BILL NO. 5266
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5272
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5284
 SECOND SUBSTITUTE SENATE BILL NO. 5287
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5298
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5318
 SUBSTITUTE SENATE BILL NO. 5324
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5330
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5356
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5410
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5418
 SUBSTITUTE SENATE BILL NO. 5425
 ENGROSSED SENATE BILL NO. 5429
 SENATE BILL NO. 5199
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5276

The Speaker called upon Representative Orwall to preside.

SECOND READING

HOUSE BILL NO. 1652, by Representatives Peterson, DeBolt, Goodman, Fitzgibbon, Appleton, Ortiz-Self, Hudgins, Orwall, Jinkins, Sells, Tharinger, Kloba, Senn, Pollet, Stanford, Bergquist and Macri

Concerning paint stewardship.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1652 was substituted for House Bill No. 1652 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1652 was read the second time.

With the consent of the House, amendment (438) was withdrawn.

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

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

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1652.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1652, and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen and Wylie.

Voting nay: Representatives Boehnke, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Graham, Griffey, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Reeves.

SUBSTITUTE HOUSE BILL NO. 1652, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5359, by Senators Cleveland, Rivers, Darneille, Keiser, Van De Wege, Nguyen, Saldaña, Wilson and C.

Funding investigations to protect individuals with disabilities in the supported living program.

The bill was read the second time.

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

Representatives Macri and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5359.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5359, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey,

Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representative Reeves.

SENATE BILL NO. 5359, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5734, by Senate Committee on Ways & Means (originally sponsored by Cleveland and Becker)

Concerning the hospital safety net assessment.

The bill was read the second time.

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

Representatives Jinkins and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5734.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5734, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Representative Orcutt.

Excused: Representative Reeves.

SUBSTITUTE SENATE BILL NO. 5734, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

MESSAGE FROM THE SENATE

April 24, 2019

MR. SPEAKER:

The Senate receded from its amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696 to second reading for purpose of amendment(s). The Senate further adopted amendment 1696-S.E AMS KEIS S4376.1 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.58.005 and 2018 c 116 s 1 are each amended to read as follows:

(1) The legislature finds that despite existing equal pay laws, there continues to be a gap in wages and advancement opportunities among workers in Washington, especially women. Income disparities limit the ability of women to provide for their families, leading to higher rates of poverty among women and children. The legislature finds that in order to promote fairness among workers, employees must be compensated equitably. Further, policies that encourage retaliation or discipline towards workers who discuss or inquire about compensation prevent workers from moving forward.

(2) The legislature intends to update the existing Washington state equal pay act, not modified since 1943, to address income disparities, employer discrimination, and retaliation practices, and to reflect the equal status of all workers in Washington state.

(3) The legislature finds that:

(a) The long-held business practice of inquiring about salary history has contributed to persistent earning inequalities;

(b) Historically, women have been offered lower initial pay than men for the same jobs even where their levels of education and experience are the same or comparable; and

(c) Lower starting salaries translate into lower pay, less family income, and more children and families in poverty.

(4) The legislature therefore intends to follow multiple other states and take the additional step towards gender equality by prohibiting an employer from seeking the

wage or salary history of an applicant for employment in certain circumstances. Further, the legislature intends to require an employer to provide wage and salary information to applicants and employees.

NEW SECTION. Sec. 2. A new section is added to chapter 49.58 RCW to read as follows:

(1) An employer may not:

(a) Seek the wage or salary history of an applicant for employment from the applicant or a current or former employer; or

(b) Require that an applicant's prior wage or salary history meet certain criteria, except as provided in subsection (2) of this section.

(2) An employer may confirm an applicant's wage or salary history:

(a) If the applicant has voluntarily disclosed the applicant's wage or salary history; or

(b) After the employer has negotiated and made an offer of employment with compensation to the applicant.

(3) An individual is entitled to the remedies in RCW 49.58.060 and 49.58.070 for violations of this section. Recovery of any wages and interest must be calculated from the first date wages were owed to the employee.

NEW SECTION. Sec. 3. A new section is added to chapter 49.58 RCW to read as follows:

(1) Upon request of an applicant for employment after the employer has initially offered the applicant the position, the employer must provide the minimum wage or salary for the position for which the applicant is applying.

(2) Upon request of an employee offered an internal transfer to a new position or promotion, the employer must provide the wage scale or salary range for the employee's new position.

(3) If no wage scale or salary range exists, the employer must provide the minimum wage or salary expectation set by the employer prior to posting the position, making a position transfer, or making the promotion.

(4) This section only applies to employers with fifteen or more employees.

(5) An individual is entitled to the remedies in RCW 49.58.060 and 49.58.070 for violations of this section. Recovery of any wages and interest must be calculated from the first date wages were owed to the employee.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. A new section is added to chapter 49.58 RCW to read as follows:

This chapter may be known and cited as the Washington equal pay and opportunities act."

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "amending RCW 49.58.005; and adding new sections to chapter 49.58 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dolan, Mosbrucker and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1696, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1696, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Young.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representative Reeves.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 2019

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5640 and asks the House to recede therefrom,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SENATE BILL NO. 5640 was returned to second reading for the purpose of amendment.

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

SECOND READING

SENATE BILL NO. 5640, by Senators Holy, Pedersen, Wellman, Billig, Padden, Becker, Warnick, Short, Hasegawa, Walsh, Bailey, Wilson, C. and Kuderer

Concerning youth courts.

Representative Volz moved the adoption of the striking amendment (780):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 3.72.005 and 2017 c 9 s 1 are each amended to read as follows:

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

(1) "Court" when used without further qualification means the district court under chapter 3.30 RCW, the municipal department under chapter 3.46 RCW, or the municipal court under chapter 3.50 or 35.20 RCW.

(2) "Traffic infraction" means those acts defined as traffic infractions by RCW 46.63.020.

(3) "Transit infraction" means an infraction issued by a transit authority as defined in RCW 9.91.025(2)(c), including those infractions authorized under RCW 35.58.580, 36.57A.230, and 81.112.220.

(4) "Youth court" means an alternative method of hearing and disposing of traffic infractions ~~((for juveniles age sixteen or))~~, transit infractions, and civil infractions for juveniles age twelve through seventeen.

Sec. 2. RCW 3.72.010 and 2017 c 9 s 2 are each amended to read as follows:

(1) A court created under chapter 3.30, 3.46, 3.50, or 35.20 RCW may create a youth court. The youth court shall have concurrent jurisdiction over traffic ~~((and))~~ infractions, transit infractions, and civil infractions alleged to have been committed by juveniles age ~~((sixteen or))~~ twelve through seventeen. The court may refer a juvenile to the youth court upon request of any party or upon its own motion. However, a juvenile shall not be required under this section to have his or her traffic ~~((or))~~ infraction, transit infraction, or civil infraction, referred to or disposed of by a youth court.

(2) To be referred to a youth court pursuant to this chapter, a juvenile:

(a) ~~((May not have had a prior traffic or transit infraction referred to a youth court;~~

~~((b)))~~ May not be under the jurisdiction of any court for a violation of any provision of Title 46 RCW or for unlawful transit conduct under RCW 9.91.025; and

~~((c))~~ ~~May not have any convictions for a violation of any provision of Title 46 RCW or for unlawful transit conduct under RCW 9.91.025; and~~

~~((d)))~~ (b) Must acknowledge that there is a high likelihood that he or she would be found to have committed the traffic ~~((or))~~ infraction, transit infraction, or civil infraction.

(3)(a) Nothing in this chapter shall interfere with the ability of juvenile courts to refer matters to youth courts that have been established to provide a diversion for matters involving juvenile offenders who are eligible for diversion pursuant to RCW 13.40.070 (6) and (8) and who agree, along with a parent, guardian, or legal custodian, to comply with the provisions of RCW 13.40.600.

(b) Nothing in this chapter shall interfere with the ability of student courts to work with students who violate school rules and policies pursuant to RCW 28A.300.420.

Sec. 3. RCW 3.72.020 and 2017 c 9 s 3 are each amended to read as follows:

(1) A youth court agreement shall be a contract between a juvenile accused of a traffic ~~((or))~~ infraction, transit infraction, or civil infraction and a court whereby the juvenile agrees to fulfill certain conditions imposed by a youth court in lieu of a determination that a traffic ~~((or))~~ infraction, transit infraction, or civil infraction occurred. Such agreements may be entered into only after the law enforcement authority has determined that probable cause exists to believe that a traffic ~~((or))~~ infraction, transit infraction, or civil infraction has been committed and that the juvenile committed it. A youth court agreement shall be reduced to writing and signed by the court and the youth accepting the terms of the agreement. Such agreements shall be entered into as expeditiously as possible.

(2) Conditions imposed on a juvenile by a youth court shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Attendance at defensive driving school or driver improvement education classes or, in the discretion of the court, a like means of fulfilling this condition. The state shall not be liable for costs resulting from the youth court or the conditions imposed upon the juvenile by the youth court;

(c) A monetary penalty, not to exceed one hundred dollars. All monetary penalties assessed and collected under this section shall be deposited and distributed in the same manner as costs, fines, forfeitures, and penalties are assessed and collected under RCW 2.68.040, 3.46.120, 3.50.100, 3.62.020, 3.62.040, 35.20.220, and 46.63.110(7), regardless of the juvenile's successful or unsuccessful completion of the youth court agreement;

(d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas;

(e) Participating in law-related education classes;

(f) Providing periodic reports to the youth court or the court;

(g) Participating in mentoring programs;

(h) Serving as a participant in future youth court proceedings;

(i) Writing apology letters; or

(j) Writing essays.

(3) Youth courts may require that the youth pay any costs associated with conditions imposed upon the youth by the youth court.

(a) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(b) The court, as specified in RCW 3.72.010, shall monitor the successful or unsuccessful completion of the disposition.

(4) A youth court agreement may extend beyond the eighteenth birthday of the youth.

(5) Any juvenile who is, or may be, referred to a youth court shall be afforded due process in all contacts with the youth court regardless of whether the juvenile is accepted by the youth court or whether the youth court program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written agreement shall be executed stating all conditions in clearly understandable language and the action that will be taken by the court upon successful or unsuccessful completion of the agreement;

(b) Violation of the terms of the agreement shall be the only grounds for termination.

(6) The youth court shall, subject to available funds, be responsible for providing interpreters when juveniles

need interpreters to effectively communicate during youth court hearings or negotiations.

(7) The court shall be responsible for advising a juvenile of his or her rights as provided in this chapter.

(8) When a juvenile enters into a youth court agreement, the court may receive only the following information for dispositional purposes:

(a) The fact that a traffic ~~((or))~~ infraction, transit infraction, or civil infraction was alleged to have been committed;

(b) The fact that a youth court agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the juvenile performed his or her obligations under such agreement; and

(e) The facts of the alleged traffic ~~((and))~~ infraction, transit infraction, or civil infraction.

(9) A court may refuse to enter into a youth court agreement with a juvenile. When a court refuses to enter a youth court agreement with a juvenile, it shall set the matter for hearing in accordance with all applicable court rules and statutory provisions governing the hearing and disposition of traffic ~~((and))~~ infractions, transit infractions, or civil infractions.

(10) If a monetary penalty required by a youth court agreement cannot reasonably be paid due to a lack of financial resources of the youth, the court may convert any or all of the monetary penalty into community service. The modification of the youth court agreement shall be in writing and signed by the juvenile and the court. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

Sec. 4. RCW 3.72.040 and 2017 c 9 s 5 are each amended to read as follows:

The administrative office of the courts shall encourage the courts to work with cities, counties, and schools to implement, expand, or use youth court programs for juveniles who commit traffic ~~((or))~~ infractions, transit infractions, or civil infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(1) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(2) Target ~~((youth ages sixteen and seventeen))~~ juveniles who are alleged to have committed a traffic ~~((or))~~ infraction, transit infraction, or civil infraction; and

(3) Emphasize the following principles:

(a) Youth must be held accountable for their problem behavior;

(b) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(c) Youth must develop skills to resolve problems with their peers more effectively; and

(d) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

Sec. 5. RCW 7.80.010 and 2009 c 279 s 2 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as civil infractions may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine pursuant to this chapter civil infractions that are established by municipal ordinance or by local law or resolution of a transit agency authorized to issue civil infractions, and that are committed within the jurisdiction of the municipality.

(3) Any city or town with a municipal court under chapter 3.50 RCW may contract with the county to have civil infractions that are established by city or town ordinance and that are committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine civil infractions pursuant to this chapter.

(5) Youth court under chapter 3.72 RCW shall have concurrent jurisdiction over civil infractions alleged to have been committed by juveniles age twelve through seventeen if the requirements of RCW 3.72.010 are met.

(6) Nothing in this chapter prevents any city, town, or county from hearing and determining civil infractions pursuant to its own system established by ordinance."

Correct the title.

Representatives Volz and Jinkins spoke in favor of the adoption of the striking amendment.

The striking amendment (780) was adopted.

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

Representatives Volz and Jinkins spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5640, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5640, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Reeves.

SENATE BILL NO. 5640, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

CONFERENCE COMMITTEE REPORT

April 25, 2019

Engrossed Second Substitute House Bill No. 1224

Includes "New Item": YES

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1224, concerning prescription drug cost transparency, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment be adopted.

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. The legislature finds that the state of Washington has substantial public interest in the following:

(1) The price and cost of prescription drugs. Washington state is a major purchaser through the department of corrections, the health care authority, and other entities acting on behalf of a state purchaser;

(2) Enacting this chapter to provide notice and disclosure of information relating to the cost and pricing of prescription drugs in order to provide accountability to the state for prescription drug pricing;

(3) Rising drug costs and consumer ability to access prescription drugs; and

(4) Containing prescription drug costs. It is essential to understand the drivers and impacts of these costs, as transparency is typically the first step toward cost containment and greater consumer access to needed prescription drugs.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.

(2) "Covered drug" means any prescription drug that:

(a) A covered manufacturer intends to introduce to the market at a wholesale acquisition cost of ten thousand dollars or more for a course of treatment lasting less than one month or a thirty-day supply, whichever period is longer; or

(b) Is currently on the market, is manufactured by a covered manufacturer, and has a wholesale acquisition cost of more than one hundred dollars for a course of treatment lasting less than one month or a thirty-day supply, and, taking into account only price increases that take effect after the effective date of this section, the manufacturer increases the wholesale acquisition cost at least:

(i) Twenty percent, including the proposed increase and the cumulative increase over one calendar year prior to the date of the proposed increase; or

(ii) Fifty percent, including the proposed increase and the cumulative increase over three calendar years prior to the date of the proposed increase.

(3) "Covered manufacturer" means a person, corporation, or other entity engaged in the manufacture of prescription drugs sold in or into Washington state. "Covered manufacturer" does not include a private label distributor or retail pharmacy that sells a drug under the retail pharmacy's store, or a prescription drug repackager.

(4) "Health care provider," "health plan," "health carrier," and "carrier" mean the same as in RCW 48.43.005.

(5) "Pharmacy benefit manager" means the same as in RCW 19.340.010.

(6) "Pharmacy services administrative organization" means an entity that contracts with a pharmacy to act as the pharmacy's agent with respect to matters involving a pharmacy benefit manager, third-party payor, or other entities, including negotiating, executing, or administering contracts with the pharmacy benefit manager, third-party payor, or other entities and provides administrative services to pharmacies.

(7) "Prescription drug" means a drug regulated under chapter 69.41 or 69.50 RCW, including generic, brand name,

specialty drugs, and biological products that are prescribed for outpatient use and distributed in a retail setting.

(8) "Qualifying price increase" means a price increase described in subsection (2)(b) of this section.

(9) "Wholesale acquisition cost" or "price" means, with respect to a prescription drug, the manufacturer's list price for the drug to wholesalers or direct purchasers in the United States, excluding any discounts, rebates, or reductions in price, for the most recent month for which the information is available, as reported in wholesale price guides or other publications of prescription drug pricing.

NEW SECTION. Sec. 3. HEALTH CARRIER REPORTING. Beginning October 1, 2019, and on a yearly basis thereafter, a health carrier must submit to the authority the following prescription drug cost and utilization data for the previous calendar year for each health plan it offers in the state:

(1) The twenty-five prescription drugs most frequently prescribed by health care providers participating in the plan's network;

(2) The twenty-five costliest prescription drugs expressed as a percentage of total plan prescription drug spending, and the plan's total spending for each of these prescription drugs;

(3) The twenty-five drugs with the highest year-over-year increase in wholesale acquisition cost, excluding drugs made available for the first time that plan year, and the percentages of the increases for each of these prescription drugs;

(4) The portion of the premium that is attributable to each of the following categories of covered prescription drugs, after accounting for all rebates and discounts:

(a) Brand name drugs;

(b) Generic drugs; and

(c) Specialty drugs;

(5) The year-over-year increase, calculated on a per member, per month basis and expressed as a percentage, in the total annual cost of each category of covered drugs listed in subsection (4) of this section, after accounting for all rebates and discounts;

(6) A comparison, calculated on a per member, per month basis, of the year-over-year increase in the cost of covered drugs to the year-over-year increase in the costs of other contributors to premiums, after accounting for all rebates and discounts;

(7) The name of each covered specialty drug; and

(8) The names of the twenty-five most frequently prescribed drugs for which the health plan received rebates from pharmaceutical manufacturers.

NEW SECTION. Sec. 4. PHARMACY BENEFIT MANAGER REPORTING. (1) By March 1st of each year, a pharmacy benefit manager must submit to the authority the following data from the previous calendar year:

(a) All discounts, including the total dollar amount and percentage discount, and all rebates received from a manufacturer for each drug on the pharmacy benefit manager's formularies;

(b) The total dollar amount of all discounts and rebates that are retained by the pharmacy benefit manager for each drug on the pharmacy benefit manager's formularies;

(c) Actual total reimbursement amounts for each drug the pharmacy benefit manager pays retail pharmacies after all direct and indirect administrative and other fees that have been retrospectively charged to the pharmacies are applied;

(d) The negotiated price health plans pay the pharmacy benefit manager for each drug on the pharmacy benefit manager's formularies;

(e) The amount, terms, and conditions relating to copayments, reimbursement options, and other payments or fees associated with a prescription drug benefit plan;

(f) Disclosure of any ownership interest the pharmacy benefit manager has in a pharmacy or health plan with which it conducts business; and

(g) The results of any appeal filed pursuant to RCW 19.340.100(3).

(2) The information collected pursuant to this section is not subject to public disclosure under chapter 42.56 RCW.

(3) The authority may examine or audit the financial records of a pharmacy benefit manager for purposes of ensuring the information submitted under this section is accurate. Information the authority acquires in an examination of financial records pursuant to this subsection is proprietary and confidential.

NEW SECTION. Sec. 5. PHARMACY BENEFIT MANAGER COMPLIANCE. (1) No later than March 1st of each calendar year, each pharmacy benefit manager must file with the authority, in the form and detail as required by the authority, a report for the preceding calendar year stating that the pharmacy benefit manager is in compliance with this chapter.

(2) A pharmacy benefit manager may not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading.

(3) An employer-sponsored self-funded health plan or a Taft-Hartley trust health plan may voluntarily provide the data described in subsection (1) of this section.

NEW SECTION. Sec. 6. MANUFACTURER REPORTING. (1) Beginning October 1, 2019, a covered manufacturer must submit to the authority the following data for each covered drug:

(a) A description of the specific financial and nonfinancial factors used to make the decision to set or increase the wholesale acquisition cost of the drug. In the event of a price increase, a covered manufacturer must also submit the amount of the increase and an explanation of how these factors explain the increase in the wholesale acquisition cost of the drug;

(b) The patent expiration date of the drug if it is under patent;

(c) Whether the drug is a multiple source drug, an innovator multiple source drug, a noninnovator multiple source drug, or a single source drug;

(d) The itemized cost for production and sales, including the annual manufacturing costs, annual marketing and advertising costs, total research and development costs, total costs of clinical trials and regulation, and total cost for acquisition of the drug; and

(e) The total financial assistance given by the manufacturer through assistance programs, rebates, and coupons.

(2) For all qualifying price increases of existing drugs, a manufacturer must submit the year the drug was introduced to market and the wholesale acquisition cost of the drug at the time of introduction.

(3) If a manufacturer increases the price of an existing drug it has manufactured for the previous five years or more, it must submit a schedule of wholesale acquisition cost increases for the drug for the previous five years.

(4) If a manufacturer acquired the drug within the previous five years, it must submit:

(a) The wholesale acquisition cost of the drug at the time of acquisition and in the calendar year prior to acquisition; and

(b) The name of the company from which the drug was acquired, the date acquired, and the purchase price.

(5) Except as provided in subsection (6) of this section, a covered manufacturer must submit the information required by this section:

(a) At least sixty days in advance of a qualifying price increase for a covered drug; and

(b) Within thirty days of release of a new covered drug to the market.

(6) For any drug approved under section 505(j) of the federal food, drug, and cosmetic act, as it existed on the effective date of this section, or a biosimilar approved under section 351(k) of the federal public health service act, as it existed on the effective date of this section, if submitting data in accordance with subsection (5)(a) of this section is not possible sixty days before the price increase, that submission must be made as soon as known but not later than the date of the price increase.

(7) The information submitted pursuant to this section is not subject to public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 7. MANUFACTURER NOTICE OF NEW DRUG APPLICATIONS. (1) Beginning October 1, 2019, a manufacturer must submit written notice, in a form and manner specified by the authority, informing the authority that the manufacturer has filed with the FDA:

(a) A new drug application or biologics license application for a pipeline drug; or

(b) A biologics license application for a biological product.

(2) The notice must be filed within sixty days of the manufacturer receiving the applicable FDA approval date.

(3) Upon receipt of the notice, the authority may request from the manufacturer the following information if it believes the drug will have a significant impact on state expenditures:

(a) The primary disease, condition, or therapeutic area studied in connection with the new drug, and whether the drug is therapeutically indicated for such disease, condition, or therapeutic area;

(b) Each route of administration studied for the drug;

(c) Clinical trial comparators for the drug;

(d) The date at which the FDA must complete its review of the drug application pursuant to the federal prescription drug user fee act of 1992 (106 Stat. 4491; P.L. 102-571);

(e) Whether the FDA has designated the drug an orphan drug, a fast track product, or a breakthrough therapy; and

(f) Whether the FDA has designated the drug for accelerated approval, priority review, or if the drug contains a new molecular entity.

(4) A manufacturer may limit the information reported pursuant to this section to that which is otherwise in the public domain or publicly reported.

(5) The information collected pursuant to this section is not subject to public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 8. MANUFACTURER NOTICE OF PRICE INCREASES. (1) Beginning October 1, 2019, a manufacturer of a covered drug must notify the authority of a qualifying price increase in writing at least sixty days prior to the planned effective date of the increase. The notice must include:

(a) The date of the increase, the current wholesale acquisition cost of the prescription drug, and the dollar amount of the future increase in the wholesale acquisition cost of the prescription drug; and

(b) A statement regarding whether a change or improvement in the drug necessitates the price increase. If so, the manufacturer shall describe the change or improvement.

(2) For any drug approved under section 505(j) of the federal food, drug, and cosmetic act, as it existed on the effective date of this section, or a biosimilar approved under section 351(k) of the federal public health service act, as it existed on the effective date of this section, if notification is not possible sixty days before the price increase, that submission must be made as soon as known but not later than the date of the price increase.

(3) The information submitted pursuant to this section is not subject to public disclosure under chapter 42.56 RCW.

(4) By December 1, 2020, the authority must provide recommendations on how to provide advance notice of price increases to purchasers consistent with state and federal law.

NEW SECTION. Sec. 9. PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION REPORTING. (1) Beginning October 1, 2019, and on a yearly basis thereafter, a pharmacy services administrative organization representing a pharmacy or pharmacy chain in the state must submit to the authority the following data from the previous calendar year:

(a) The negotiated reimbursement rate of the twenty-five prescription drugs with the highest reimbursement rate;

(b) The twenty-five prescription drugs with the largest year-to-year change in reimbursement rate, expressed as a percentage and dollar amount; and

(c) The schedule of fees charged to pharmacies for the services provided by the pharmacy services administrative organization.

(2) Any pharmacy services administrative organization whose revenue is generated from flat service fees not connected to drug prices or volume, and paid by the pharmacy, is exempt from reporting.

NEW SECTION. Sec. 10. DATA COLLECTION AND ANNUAL REPORT. (1) The authority shall compile and analyze the data submitted by health carriers, pharmacy benefit managers, manufacturers, and pharmacy services administrative organizations pursuant to this chapter and prepare an annual report for the public and the legislature synthesizing the data to demonstrate the overall impact that drug costs, rebates, and other discounts have on health care premiums.

(2) The data in the report must be aggregated and must not reveal information specific to individual health carriers, pharmacy benefit managers, pharmacy services administrative organizations, individual prescription drugs, individual classes of prescription drugs, individual manufacturers, or discount amounts paid in connection with individual prescription drugs.

(3) Beginning January 1, 2021, and by each January 1st thereafter, the authority must publish the report on its web site.

(4) Except for the report, and as provided in subsection (5) of this section, the authority shall keep confidential all data submitted pursuant to sections 3 through 9 of this act.

(5) For purposes of public policy, upon request of a legislator, the authority must provide all data provided pursuant to sections 3 through 9 of this act and any analysis prepared by the authority. Any information provided pursuant to this subsection must be kept confidential within the legislature and may not be publicly released.

(6) The data collected pursuant to this chapter is not subject to public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 11. ENFORCEMENT. The authority may assess a fine of up to one thousand dollars per day for failure to comply with the requirements of sections

3 through 9 of this act. The assessment of a fine under this section is subject to review under the administrative procedure act, chapter 34.05 RCW. Fines collected under this section must be deposited in the medicaid fraud penalty account created in RCW 74.09.215.

NEW SECTION. Sec. 12. The authority must contact the California office of statewide health planning and development and the Oregon department of consumer and business services to develop strategies to reduce prescription drug costs and increase prescription drug cost transparency. The authority must make recommendations to the legislature for implementing joint state strategies, which may include a joint purchasing agreement, by January 1, 2020.

NEW SECTION. Sec. 13. **RULE MAKING.** The authority may adopt any rules necessary to implement the requirements of this chapter.

Sec. 14. RCW 74.09.215 and 2013 2nd sp.s. c 4 s 1902, 2013 2nd sp.s. c 4 s 997, and 2013 2nd sp.s. c 4 s 995 are each reenacted and amended to read as follows:

The medicaid fraud penalty account is created in the state treasury. All receipts from civil penalties collected under RCW 74.09.210, all receipts received under judgments or settlements that originated under a filing under the federal false claims act, all receipts from fines received pursuant to section 11 of this act, and all receipts received under judgments or settlements that originated under the state medicaid fraud false claims act, chapter 74.66 RCW, must be deposited into the account. Moneys in the account may be spent only after appropriation and must be used only for medicaid services, fraud detection and prevention activities, recovery of improper payments, for other medicaid fraud enforcement activities, and the prescription monitoring program established in chapter 70.225 RCW. For the 2013-2015 fiscal biennium, moneys in the account may be spent on inpatient and outpatient rebasing and conversion to the tenth version of the international classification of diseases. For the 2011-2013 fiscal biennium, moneys in the account may be spent on inpatient and outpatient rebasing.

NEW SECTION. Sec. 15. Sections 1 through 13 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "transparency;" strike the remainder of the title and insert "reenacting and amending RCW 74.09.215; adding a new chapter to Title 43 RCW; and prescribing penalties."

Senators Cleveland, Mullet and Rivers
Representatives Macri, Robinson and Schmick

There being no objection, the House adopted the conference committee report on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1224 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF HOUSE BILL AS
RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Robinson and Schmick spoke in favor of the passage of the bill as recommended by the conference committee.

The Speaker (Representative Orwall presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1224 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1224, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas: 92 Nays: 5 Absent: 0 Excused: 1

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

Voting nay: Representatives Barkis, Chandler, Jenkin, Klippert, and McCaslin

Excused: Representative Reeves

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1224, as recommended by the conference committee, having received the constitutional majority, was declared passed.

With the consent of the House, **ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1224** was immediately transmitted to the Senate.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Second Substitute House Bill No. 1224.

Representative Barkis, 2nd District

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

SECOND READING

SENATE BILL NO. 5505, by Senators Hobbs, King and Fortunato

Addressing the use of local stormwater charges paid by the department of transportation.

The bill was read the second time.

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

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5505.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5505, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Dufault, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hansen, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wylie and Young.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dye, Eslick, Gildon, Goehner, Griffey, Harris, Hoff, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Sutherland, Vick, Wilcox and Ybarra.

SENATE BILL NO. 5505, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2159, by Representative Ormsby

Making expenditures from the budget stabilization account for declared catastrophic events.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2159 was substituted for House Bill No. 2159 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2159 was read the second time.

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

Representatives Ormsby and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2159.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2159, and the bill passed the House by the following vote: Yeas, 80; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harris, Hudgins, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wylie and Ybarra.

Voting nay: Representatives Barkis, DeBolt, Gildon, Goehner, Graham, Hoff, Irwin, Jenkin, Kraft, McCaslin, Mosbrucker, Orcutt, Rude, Shea, Sutherland, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 2159, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

MESSAGE FROM THE SENATE

April 19, 2019

Mr. Speaker:

The Senate refuses to concur in the House amendment to SECOND SUBSTITUTE SENATE BILL NO. 5602 and asks the House to recede therefrom,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SECOND SUBSTITUTE SENATE BILL NO. 5602 was returned to second reading for the purpose of amendment.

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

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5602,
by Senate Committee on Ways & Means (originally
sponsored by Randall, Wilson, C., Nguyen, Das,
Saldaña, Cleveland, Takko, Kuderer, Hasegawa, Rolfes,
Van De Wege, Keiser, Hunt, Wellman, Billig, Dhingra,
Conway, Pedersen, Frockt, Salomon, Palumbo,
Darneille, McCoy, Liias, Mullet and Carlyle)

Eliminating barriers to reproductive health care for all.

Representative Macri moved the adoption of the striking amendment (779):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares:

(1) It is the public policy of this state to provide the maximum access to reproductive health care and reproductive health care coverage for all people in Washington state.

(2) In 2018, the legislature passed Substitute Senate Bill No. 6219. Along with reproductive health care coverage requirements, the bill mandated a literature review of barriers to reproductive health care. As documented by the report submitted to the legislature on January 1, 2019, young people, immigrants, people living in rural communities, transgender and gender nonconforming people, and people of color still face significant barriers to getting the reproductive health care they need.

(3) Washingtonians who are transgender and gender nonconforming have important reproductive health care needs as well. These needs go unmet when, in the process of seeking care, transgender and gender nonconforming people are stigmatized or are denied critical health services because of their gender identity or expression.

(4) The literature review mandated by Substitute Senate Bill No. 6219 found that, "[a]ccording to 2015 U.S. Transgender Survey data, thirty-two percent of transgender respondents in Washington State reported that in the previous year they did not see a doctor when needed because they could not afford it."

(5) Existing state law should be enhanced to ensure greater coverage of and timely access to reproductive health care for the benefit of all Washingtonians, regardless of gender identity or expression.

(6) Because stigma is also a key barrier to access to reproductive health care, all Washingtonians, regardless of gender identity, should be free from discrimination in the provision of health care services, health care plan coverage, and in access to publicly funded health coverage.

(7) All people should have access to robust reproductive health services to maintain and improve their reproductive health.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) In the provision of reproductive health care services through programs under this chapter, the authority, managed care plans, and providers that administer or deliver such services may not discriminate in the delivery of a service provided through a program of the authority based on the covered person's gender identity or expression.

(2) The authority and any managed care plans delivering or administering services purchased or contracted for by the authority, may not issue automatic initial denials of coverage for reproductive health care services that are ordinarily or exclusively available to individuals of one gender, based on the fact that the individual's gender assigned at birth, gender identity, or gender otherwise recorded in one or more government-issued documents, is different from the one to which such health services are ordinarily or exclusively available.

(3) Denials as described in subsection (2) of this section are prohibited discrimination under chapter 49.60 RCW.

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

(a) "Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's gender assigned at birth.

(b) "Gender identity" means a person's internal sense of the person's own gender, regardless of the person's gender assigned at birth.

(c) "Reproductive health care services" means any medical services or treatments, including pharmaceutical and preventive care service or treatments, directly involved in the reproductive system and its processes, functions, and organs involved in reproduction, in all stages of life. Reproductive health care services does not include infertility treatment.

(d) "Reproductive system" includes, but is not limited to: Genitals, gonads, the uterus, ovaries, fallopian tubes, and breasts.

(5) This section must not be construed to authorize discrimination on the basis of a covered person's gender identity or expression in the administration of any other medical assistance programs administered by the authority.

Sec. 3. RCW 48.43.072 and 2018 c 119 s 2 are each amended to read as follows:

(1) A health plan (~~issued or renewed on or after January 1, 2019,)~~ or student health plan, including student health plans deemed by the insurance commissioner to have a short-term limited purpose or duration or to be guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, shall provide coverage for:

(a) All contraceptive drugs, devices, and other products, approved by the federal food and drug administration, including over-the-counter contraceptive drugs, devices, and products, approved by the federal food and drug administration. This includes condoms, regardless of the gender or sexual orientation of the covered person, and regardless of whether they are to be used for contraception or exclusively for the prevention of sexually transmitted infections;

(b) Voluntary sterilization procedures;

(c) The consultations, examinations, procedures, and medical services that are necessary to prescribe, dispense, insert, deliver, distribute, administer, or remove the drugs, devices, and other products or services in (a) and (b) of this subsection(-);

(d) The following preventive services:

(i) Screening for physical, mental, sexual, and reproductive health care needs that arise from a sexual assault; and

(ii) Well-person preventive visits;

(e) Medically necessary services and prescription medications for the treatment of physical, mental, sexual, and reproductive health care needs that arise from a sexual assault; and

(f) The following reproductive health-related over-the-counter drugs and products approved by the federal food and drug administration: Prenatal vitamins for pregnant persons; and breast pumps for covered persons expecting the birth or adoption of a child.

(2) The coverage required by subsection (1) of this section:

(a) May not require copayments, deductibles, or other forms of cost sharing(-);

(i) Except for:

(A) The medically necessary services and prescription medications required by subsection (1)(e) of this section; and

(B) The drugs and products in subsection (1)(f) of this section; or

(ii) Unless the health plan is offered as a qualifying health plan for a health savings account. For such a qualifying health plan, the carrier must establish the plan's cost sharing for the coverage required by subsection (1) of this section at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions and withdrawals from ((his or her)) the enrollee's health savings account under internal revenue service laws and regulations; and

(b) May not require a prescription to trigger coverage of over-the-counter contraceptive drugs, devices, and products, approved by the federal food and drug administration, except those reproductive health related drugs and products as set forth in subsection (1)(f) of this section.

(3) A health carrier may not deny the coverage required in subsection (1) of this section because an enrollee changed ((his or her)) the enrollee's contraceptive method within a twelve-month period.

(4) Except as otherwise authorized under this section, a health benefit plan may not impose any restrictions or delays on the coverage required under this section, such as medical management techniques that limit enrollee choice in accessing the full range of contraceptive drugs, devices, or other products, approved by the federal food and drug administration.

(5) Benefits provided under this section must be extended to all enrollees, enrolled spouses, and enrolled dependents.

(6) This section may not be construed to allow for denial of care on the basis of race, color, national origin, sex, sexual orientation, gender expression or identity, marital status, age, citizenship, immigration status, or disability.

(7) A health plan or student health plan, including student health plans deemed by the insurance commissioner to have a short-term limited purpose or duration or to be guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, issued or renewed on or after January 1, 2021, may not issue automatic initial denials of coverage for reproductive health care services that are ordinarily or exclusively available to individuals of one gender, based on the fact that the individual's gender assigned at birth, gender identity, or gender otherwise recorded in one or more government-issued documents, is different from the one to which such health services are ordinarily or exclusively available.

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

(a) "Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's gender assigned at birth.

(b) "Gender identity" means a person's internal sense of the person's own gender, regardless of the person's gender assigned at birth.

(c) "Reproductive health care services" means any medical services or treatments, including pharmaceutical and preventive care service or treatments, directly involved in the reproductive system and its processes, functions, and organs involved in reproduction, in all stages of life. Reproductive health care services does not include infertility treatment.

(d) "Reproductive system" includes, but is not limited to: Genitals, gonads, the uterus, ovaries, fallopian tubes, and breasts.

(e) "Well-person preventive visits" means the preventive annual visits recommended by the federal health resources and services administration women's preventive services guidelines, with the understanding that those visits

must be covered for women, and when medically appropriate, for transgender, nonbinary, and intersex individuals.

(9) This section may not be construed to authorize discrimination on the basis of gender identity or expression, or perceived gender identity or expression, in the provision of nonreproductive health care services.

(10) The commissioner, under RCW 48.30.300, and the human rights commission, under chapter 49.60 RCW shall share enforcement authority over complaints of discrimination under this section as set forth in RCW 49.60.178.

(11) The commissioner may adopt rules to implement this section.

NEW SECTION. Sec. 4. A new section is added to chapter 48.43 RCW to read as follows:

(1) The legislature intends to codify the state's current practice of requiring health carriers to bill enrollees with a single invoice and to segregate into a separate account the premium attributable to abortion services for which federal funding is prohibited. Washington has achieved full compliance with section 1303 of the federal patient protection and affordable care act by requiring health carriers to submit a single invoice to enrollees and to segregate into a separate account the premium amounts attributable to coverage of abortion services for which federal funding is prohibited. Further, section 1303 states that the act does not preempt or otherwise have any effect on state laws regarding the prohibition of, or requirement of, coverage, funding, or procedural requirements on abortions.

(2) In accordance with RCW 48.43.073 related to requirements for coverage and funding of abortion services, an issuer offering a qualified health plan must:

(a) Bill enrollees and collect payment through a single invoice that includes all benefits and services covered by the qualified health plan; and

(b) Include in the segregation plan required under applicable federal and state law a certification that the issuer's billing and payment processes meet the requirements of this section.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 6. This act may be known and cited as the reproductive health care access for all act.

NEW SECTION. Sec. 7. (1) Section 2 of this act takes effect January 1, 2020.

(2) Section 3 of this act takes effect January 1, 2021.

NEW SECTION. Sec. 8. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Macri and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (779) was adopted.

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

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5602, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5602, as amended by the House, and the bill passed the House by the following vote: Yeas: 58 Nays: 40 Absent: 0 Excused: 0

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

SECOND SUBSTITUTE SENATE BILL NO. 5602, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

MESSAGE FROM THE SENATE

April 24, 2019

Mr. Speaker:

The Senate refuses to concur in the House amendment to SECOND SUBSTITUTE SENATE BILL NO. 5604 and asks the House to recede therefrom,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SECOND SUBSTITUTE SENATE BILL NO. 5604 was returned to second reading for the purpose of amendment.

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

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5604, by Senate Committee on Ways & Means (originally sponsored by Pedersen, Padden, Conway, Kuderer, Keiser, Salomon, Bailey and Dhingra)

Concerning the uniform guardianship, conservatorship, and other protective arrangements act.

Representative Jinkins moved the adoption of the striking amendment (791):

Strike everything after the enacting clause and insert the following:

"ARTICLE 1

GENERAL PROVISIONS

NEW SECTION. Sec. 101. SHORT TITLE. This chapter may be cited as the uniform guardianship, conservatorship, and other protective arrangements act.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual at least eighteen years of age or an emancipated individual under eighteen years of age.

(2) "Adult subject to conservatorship" means an adult for whom a conservator has been appointed under this chapter.

(3) "Adult subject to guardianship" means an adult for whom a guardian has been appointed under this chapter.

(4) "Claim" includes a claim against an individual or conservatorship estate, whether arising in contract, tort, or otherwise.

(5) "Conservator" means a person appointed by a court to make decisions with respect to the property or financial affairs of an individual subject to conservatorship. The term includes a co-conservator.

(6) "Conservatorship estate" means the property subject to conservatorship under this chapter.

(7) "Evaluation and treatment facility" has the same meaning as provided in RCW 71.05.020.

(8) "Full conservatorship" means a conservatorship that grants the conservator all powers available under this chapter.

(9) "Full guardianship" means a guardianship that grants the guardian all powers available under this chapter.

(10) "Guardian" means a person appointed by the court to make decisions with respect to the personal affairs of an individual. The term includes a co-guardian but does not include a guardian ad litem.

(11) "Guardian ad litem" means a person appointed to inform the court about, and to represent, the needs and best interests of an individual.

(12) "Individual subject to conservatorship" means an adult or minor for whom a conservator has been appointed under this chapter.

(13) "Individual subject to guardianship" means an adult or minor for whom a guardian has been appointed under this chapter.

(14) "Less restrictive alternative" means an approach to meeting an individual's needs which restricts fewer rights of the individual than would the appointment of a guardian or conservator. The term includes supported decision making, appropriate technological assistance, appointment of a representative payee, and appointment of an agent by the individual, including appointment under a power of attorney for health care or power of attorney for finances.

(15) "Letters of office" means a record issued by a court certifying a guardian's or conservator's authority to act.

(16) "Limited conservatorship" means a conservatorship that grants the conservator less than all powers available under this chapter, grants powers over only certain property, or otherwise restricts the powers of the conservator.

(17) "Limited guardianship" means a guardianship that grants the guardian less than all powers available under this chapter or otherwise restricts the powers of the guardian.

(18) "Long-term care facility" has the same meaning as provided in RCW 70.129.010.

(19) "Minor" means an unemancipated individual under eighteen years of age.

(20) "Minor subject to conservatorship" means a minor for whom a conservator has been appointed under this chapter.

(21) "Minor subject to guardianship" means a minor for whom a guardian has been appointed under this chapter.

(22) "Parent" does not include an individual whose parental rights have been terminated.

(23) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(24) "Professional guardian or conservator" means a guardian or conservator appointed under this chapter who is not a relative of the person subject to guardianship or conservatorship established under this chapter and who charges fees for carrying out the duties of court-appointed guardian or conservator for three or more persons.

(25) "Property" includes tangible and intangible property.

(26) "Protective arrangement instead of conservatorship" means a court order entered under section 503 of this act.

(27) "Protective arrangement instead of guardianship" means a court order entered under section 502 of this act.

(28) "Protective arrangement under article 5 of this chapter" means a court order entered under section 502 or 503 of this act.

(29) "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(30) "Relative" means any person related by blood or by law to the person subject to guardianship, conservatorship, or other protective arrangements.

(31) "Respondent" means an individual for whom appointment of a guardian or conservator or a protective arrangement instead of guardianship or conservatorship is sought.

(32) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(33) "Special agent" means the person appointed by the court pursuant to section 404 or 512 of this act.

(34) "Standby guardian" means a person appointed by the court under section 208 of this act.

(35) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the

jurisdiction of the United States. The term includes a federally recognized Indian tribe.

(36) "Supported decision making" means assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the individual to make the decisions, and in communicating a decision once made if consistent with the individual's wishes.

(37) "Verified receipt" is a verified receipt signed by the custodian of funds stating that a savings and loan association or bank, trust company, escrow corporation, or other corporations approved by the court hold the cash or securities of the individual subject to conservatorship subject to withdrawal only by order of the court.

(38) "Visitor" means the person appointed by the court pursuant to section 304(1) or 405(1) of this act.

NEW SECTION. Sec. 103. SUPPLEMENTAL PRINCIPLES OF LAW AND EQUITY APPLICABLE. Unless displaced by a particular provision of this chapter, the principles of law and equity supplement its provisions.

NEW SECTION. Sec. 104. SUBJECT MATTER JURISDICTION. (1) Except to the extent jurisdiction is precluded by the uniform child custody jurisdiction and enforcement act (chapter 26.27 RCW), the superior court of each county has jurisdiction over a guardianship for a minor domiciled or present in this state. The court has jurisdiction over a conservatorship or protective arrangement instead of conservatorship for a minor domiciled or having property in this state.

(2) The superior court of each county has jurisdiction over a guardianship, conservatorship, or protective arrangement under article 5 of this chapter for an adult as provided in the uniform adult guardianship and protective proceedings jurisdiction act (chapter 11.90 RCW).

(3) After notice is given in a proceeding for a guardianship, conservatorship, or protective arrangement under article 5 of this chapter and until termination of the proceeding, the court in which the petition is filed has:

(a) Exclusive jurisdiction to determine the need for the guardianship, conservatorship, or protective arrangement;

(b) Exclusive jurisdiction to determine how property of the respondent must be managed, expended, or distributed to or for the use of the respondent, an individual who is dependent in fact on the respondent, or other claimant;

(c) Nonexclusive jurisdiction to determine the validity of a claim against the respondent or property of the respondent or a question of title concerning the property; and

(d) If a guardian or conservator is appointed, exclusive jurisdiction over issues related to administration of the guardianship or conservatorship.

(4) A court that appoints a guardian or conservator, or authorizes a protective arrangement under article 5 of this chapter, has exclusive and continuing jurisdiction over the proceeding until the court terminates the proceeding or the appointment or protective arrangement expires by its terms.

NEW SECTION. Sec. 105. TRANSFER OF PROCEEDING. (1) This section does not apply to a guardianship or conservatorship for an adult that is subject to the transfer provisions of the uniform adult guardianship and protective proceedings jurisdiction act (chapter 11.90 RCW).

(2) After appointment of a guardian or conservator, the court that made the appointment may transfer the proceeding to a court in another county in this state or another state if transfer is in the best interest of the individual subject to the guardianship or conservatorship.

(3) If a proceeding for a guardianship or conservatorship is pending in another state or a foreign country and a petition for guardianship or conservatorship for the same individual is filed in a court in this state, the court shall notify the court in the other state or foreign country and, after consultation with that court, assume or decline jurisdiction, whichever is in the best interest of the respondent.

(4) A guardian or conservator appointed in another state or country may petition the court for appointment as a guardian or conservator in this state for the same individual if jurisdiction in this state is or will be established. The appointment may be made on proof of appointment in the other state or foreign country and presentation of a certified copy of the part of the court record in the other state or country specified by the court in this state.

(5) Notice of hearing on a petition under subsection (4) of this section, together with a copy of the petition, must be given to the respondent, if the respondent is at least twelve years of age at the time of the hearing, and to the persons that would be entitled to notice if the procedures for appointment of a guardian or conservator under this chapter were applicable. The court shall make the appointment unless it determines the appointment would not be in the best interest of the respondent.

(6) Not later than fourteen days after appointment under subsection (5) of this section, the guardian or conservator shall give a copy of the order of appointment to the individual subject to guardianship or conservatorship, if the individual is at least twelve years of age, and to all persons given notice of the hearing on the petition.

NEW SECTION. Sec. 106. VENUE. (1) Venue for a guardianship proceeding for a minor is in:

(a) The county in which the minor resides or is present at the time the proceeding commences; or

(b) The county in which another proceeding concerning the custody or parental rights of the minor is pending.

(2) Venue for a guardianship proceeding or protective arrangement instead of guardianship for an adult is in:

(a) The county in which the respondent resides;

(b) If the respondent has been admitted to an institution by court order, the county in which the court is located; or

(c) If the proceeding is for appointment of an emergency guardian for an adult, the county in which the respondent is present.

(3) Venue for a conservatorship proceeding or protective arrangement instead of conservatorship is in:

(a) The county in which the respondent resides, whether or not a guardian has been appointed in another county or other jurisdiction; or

(b) If the respondent does not reside in this state, in any county in which property of the respondent is located.

(4) If proceedings under this chapter are brought in more than one county, the court of the county in which the first proceeding is brought has the exclusive right to proceed unless the court determines venue is properly in another court or the interest of justice otherwise requires transfer of the proceeding.

NEW SECTION. Sec. 107. PRACTICE IN COURT. (1) Except as otherwise provided in this chapter, the rules of evidence and civil procedure, including rules concerning appellate review, govern a proceeding under this chapter.

(2) If proceedings for a guardianship, conservatorship, or protective arrangement under article 5 of this chapter for the same individual are commenced or pending in the same court, the proceedings may be consolidated.

(3) A respondent may demand a jury trial in a proceeding under this chapter on the issue whether a basis exists for appointment of a guardian or conservator.

NEW SECTION. Sec. 108. LETTERS OF OFFICE. (1) The court shall issue letters of guardianship to a guardian on filing by the guardian of an acceptance of appointment.

(2) The court shall issue letters of conservatorship to a conservator on filing by the conservator of an acceptance of appointment and filing of any required bond or compliance with any other verified receipt required by the court.

(3) Limitations on the powers of a guardian or conservator or on the property subject to conservatorship must be stated on the letters of office.

(4) The court at any time may limit the powers conferred on a guardian or conservator. The court shall issue new letters of office to reflect the limitation.

(5) A guardian or conservator may not act on behalf of a person under guardianship or conservatorship without valid letters of office.

(6) The clerk of the superior court shall issue letters of guardianship or conservatorship in or substantially in the same form as set forth in section 605 of this act.

(7) This chapter does not affect the validity of letters of office issued under chapter 11.88 RCW prior to the effective date of this section.

NEW SECTION. Sec. 109. EFFECT OF ACCEPTANCE OF APPOINTMENT. On acceptance of appointment, a guardian or conservator submits to personal jurisdiction of the court in this state in any proceeding relating to the guardianship or conservatorship.

NEW SECTION. Sec. 110. CO-GUARDIAN—CO-CONSERVATOR. (1) The court at any time may appoint a co-guardian or co-conservator to serve immediately or when a designated event occurs.

(2) A co-guardian or co-conservator appointed to serve immediately may act when that co-guardian or co-conservator complies with section 108 of this act.

(3) A co-guardian or co-conservator appointed to serve when a designated event occurs may act when:

(a) The event occurs; and

(b) That co-guardian or co-conservator complies with section 108 of this act.

(4) Unless an order of appointment under subsection (1) of this section or subsequent order states otherwise, co-guardians or co-conservators shall make decisions jointly.

NEW SECTION. Sec. 111. JUDICIAL APPOINTMENT OF SUCCESSOR GUARDIAN OR SUCCESSOR CONSERVATOR. (1) The court at any time may appoint a successor guardian or successor conservator to serve immediately or when a designated event occurs.

(2) A person entitled under section 202 or 302 of this act to petition the court to appoint a guardian may petition the court to appoint a successor guardian. A person entitled under section 402 of this act to petition the court to appoint a conservator may petition the court to appoint a successor conservator.

(3) A successor guardian or successor conservator appointed to serve when a designated event occurs may act as guardian or conservator when:

(a) The event occurs; and

(b) The successor complies with section 108 of this act.

(4) A successor guardian or successor conservator has the predecessor's powers unless otherwise provided by the court.

NEW SECTION. Sec. 112. EFFECT OF DEATH, REMOVAL, OR RESIGNATION OF GUARDIAN OR CONSERVATOR. (1) Appointment of a guardian or conservator terminates on the death or removal of the guardian or conservator, or when the court under subsection (2) of this section approves a resignation of the guardian or conservator.

(2) A guardian or conservator must petition the court to resign. The petition may include a request that the court appoint a successor. Resignation of a guardian or conservator is effective on the date the resignation is approved by the court.

(3) Death, removal, or resignation of a guardian or conservator does not affect liability for a previous act or the obligation to account for:

(a) An action taken on behalf of the individual subject to guardianship or conservatorship; or

(b) The individual's funds or other property.

NEW SECTION. Sec. 113. NOTICE OF HEARING GENERALLY. (1) Except as otherwise provided in sections 203, 208, 303, 403, and 505 of this act, if notice of a hearing under this chapter is required, the movant shall give notice of the date, time, and place of the hearing to the person to be notified unless otherwise ordered by the court for good cause. Except as otherwise provided in this chapter, notice must be given in compliance with the local superior court's rule of civil procedure at least fourteen days before the hearing.

(2) Proof of notice of a hearing under this chapter must be made before or at the hearing and filed in the proceeding.

(3) Notice of a hearing under this chapter must be in at least sixteen-point font, in plain language, and, to the extent feasible, in a language in which the person to be notified is proficient.

NEW SECTION. Sec. 114. WAIVER OF NOTICE. (1) Except as otherwise provided in subsection (2) of this section, a person may waive notice under this chapter in a record signed by the person or person's attorney and filed in the proceeding.

(2) A respondent, individual subject to guardianship, individual subject to conservatorship, or individual subject to a protective arrangement under article 5 of this chapter may not waive notice under this chapter.

NEW SECTION. Sec. 115. GUARDIAN AD LITEM. The court at any time may appoint a guardian ad litem for an individual if the court determines the individual's interest otherwise would not be adequately represented. If no conflict of interest exists, a guardian ad litem may be appointed to represent multiple individuals or interests. The guardian ad litem may not be the same individual as the attorney representing the respondent. The

court shall state the duties of the guardian ad litem and the reasons for the appointment.

NEW SECTION. Sec. 116. REQUEST FOR NOTICE. (1) A person may file with the court a request for notice under this chapter if the person is:

(a) Not otherwise entitled to notice; and

(b) Interested in the welfare of a respondent, individual subject to guardianship or conservatorship, or individual subject to a protective arrangement under article 5 of this chapter.

(2) A request under subsection (1) of this section must include a statement showing the interest of the person making the request and the address of the person or an attorney for the person to whom notice is to be given.

(3) If the court approves a request under subsection (1) of this section, the court shall give notice of the approval to the guardian or conservator, if one has been appointed, or the respondent if no guardian or conservator has been appointed.

NEW SECTION. Sec. 117. DISCLOSURE OF BANKRUPTCY OR CRIMINAL HISTORY. (1) Before accepting appointment as a guardian or conservator, a person shall disclose to the court whether the person:

(a) Is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding;

(b) Has been convicted of:

(i) A felony;

(ii) A crime involving dishonesty, neglect, violence, or use of physical force; or

(iii) Other crimes relevant to the functions the individual would assume as guardian or conservator; or

(c) Has any court finding of a breach of fiduciary duty or a violation of any state's consumer protection act, or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of any business.

(2) A guardian or conservator that engages or anticipates engaging an agent the guardian or conservator knows has been convicted of a felony, a crime involving dishonesty, neglect, violence, or use of physical force, or other crimes relevant to the functions the agent is being engaged to perform promptly shall disclose that knowledge to the court.

(3) If a conservator engages or anticipates engaging an agent to manage finances of the individual subject to conservatorship and knows the agent is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding, the conservator promptly shall disclose that knowledge to the court.

(4) If a guardian or conservator that engages or anticipates engaging an agent and knows the agent has any court finding of a breach of fiduciary duty or a violation of

any state's consumer protection act, or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of any business, the guardian or conservator promptly shall disclose that knowledge to the court.

NEW SECTION. Sec. 118. QUALIFICATIONS.

(1) Any suitable person over the age of twenty-one years, or any parent under the age of twenty-one years or, if the petition is for appointment of a professional guardian or conservator, any individual or guardianship or conservatorship service that meets any certification requirements established by the administrator for the courts, may, if not otherwise disqualified, be appointed guardian or conservator of a person subject to guardianship, conservatorship, or both. A financial institution subject to the jurisdiction of the department of financial institutions and authorized to exercise trust powers, and a federally chartered financial institution when authorized to do so, may be appointed to act as a guardian or conservator of a person subject to guardianship, conservatorship, or both without having to meet the certification requirements established by the administrator for the courts. No person is qualified to serve as a guardian or conservator who is:

(a) Under eighteen years of age except as otherwise provided herein;

(b)(i) Except as provided otherwise in (b)(ii) of this subsection, convicted of a crime involving dishonesty, neglect, or use of physical force or other crime relevant to the functions the individual would assume as guardian;

(ii) A court may, upon consideration of the facts, find that a relative convicted of a crime is qualified to serve as a guardian or conservator;

(c) A nonresident of this state who has not appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate and caused such appointment to be filed with the court;

(d) A corporation not authorized to act as a fiduciary, guardian, or conservator in the state;

(e) A person whom the court finds unsuitable.

(2) If a guardian, or conservator is not a certified professional guardian, conservator, or financial institution authorized under this section, the guardian or conservator must complete any standardized training video or web cast for lay guardians or conservators made available by the administrative office of the courts and the superior court where the petition is filed unless granted a waiver by the court. The training video or web cast must be provided at no cost to the guardian, or conservator.

(a) If a petitioner requests the appointment of a specific individual to act as a guardian or conservator, the petition for guardianship or conservatorship must include evidence of the successful completion of the required training video or web cast by the proposed guardian or conservator. The superior court may defer the completion of the training requirement to a date no later than ninety days after appointment if the petitioner requests expedited appointment due to emergent circumstances.

(b) If no person is identified to be appointed guardian or conservator at the time the petition is filed, then the court must require that the petitioner identify within fourteen days from the filing of the petition a specific individual to act as guardian subject to the training requirements set forth herein.

NEW SECTION. Sec. 119. MULTIPLE NOMINATIONS. If a respondent or other person makes more than one nomination of a guardian or conservator, the latest in time governs.

NEW SECTION. Sec. 120. COMPENSATION AND EXPENSES—IN GENERAL. (1) Unless otherwise compensated or reimbursed, an attorney for a respondent in a proceeding under this chapter is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the property of the respondent.

(2) Unless otherwise compensated or reimbursed, an attorney or other person whose services resulted in an order beneficial to an individual subject to guardianship or conservatorship or for whom a protective arrangement under article 5 of this chapter was ordered is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the property of the individual.

(3) The court must approve compensation and expenses payable under this section before payment. Approval is not required before a service is provided or an expense is incurred.

(4) If the court dismisses a petition under this act and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation or visitor against the petitioner.

(5) Where the person subject to guardianship or conservatorship is a department of social and health services client, or health care authority client, and is required to contribute a portion of their income towards the cost of long-term care services or room and board, the amount of compensation or reimbursement shall not exceed the amount allowed by the department of social and health services or health care authority by rule.

(6) Where the person subject to guardianship or conservatorship receives guardianship, conservatorships, or other protective services from the office of public guardianship, the amount of compensation or reimbursement shall not exceed the amount allowed by the office of public guardianship.

(7) The court must approve compensation and expenses payable under this section before payment. Approval is not required before a service is provided or an expense is incurred.

(8) If the court dismisses a petition under this chapter and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation or visitor against the petitioner.

NEW SECTION. Sec. 121. COMPENSATION OF GUARDIAN OR CONSERVATOR. (1) Subject to court approval, a guardian is entitled to reasonable compensation for services as guardian and to reimbursement for room, board, clothing, and other appropriate expenses advanced for the benefit of the individual subject to guardianship. If a conservator, other than the guardian or a person affiliated with the guardian, is appointed for the individual, reasonable compensation and reimbursement to the guardian may be approved and paid by the conservator without court approval.

(2) Subject to court approval, a conservator is entitled to reasonable compensation for services and reimbursement for appropriate expenses from the property of the individual subject to conservatorship.

(3) In determining reasonable compensation for a guardian or conservator, the court, or a conservator in determining reasonable compensation for a guardian as provided in subsection (1) of this section, shall approve compensation that shall not exceed the typical amounts paid for comparable services in the community, at a rate for which the service can be performed in the most efficient and cost-effective manner, considering:

(a) The necessity and quality of the services provided;

(b) The experience, training, professional standing, and skills of the guardian or conservator;

(c) The difficulty of the services performed, including the degree of skill and care required;

(d) The conditions and circumstances under which a service was performed, including whether the service was provided outside regular business hours or under dangerous or extraordinary conditions;

(e) The effect of the services on the individual subject to guardianship or conservatorship;

(f) The extent to which the services provided were or were not consistent with the guardian's plan under section 317 of this act or conservator's plan under section 419 of this act; and

(g) The fees customarily paid to a person that performs a like service in the community.

(4) A guardian or conservator need not use personal funds of the guardian or conservator for the expenses of the individual subject to guardianship or conservatorship.

(5) Where the person subject to guardianship or conservatorship is a department of social and health services client, or health care authority client, and is required to contribute a portion of their income towards the cost of long-term care services or room and board, the amount of compensation or reimbursement shall not exceed the amount allowed by the department of social and health services or health care authority by rule.

(6) Where the person subject to guardianship or conservatorship receives guardianship, conservatorship, or other protective services from the office of public

guardianship, the amount of compensation or reimbursement shall not exceed the amount allowed by the office of public guardianship.

(7) If an individual subject to guardianship or conservatorship seeks to modify or terminate the guardianship or conservatorship or remove the guardian or conservator, the court may order compensation to the guardian or conservator for time spent opposing modification, termination, or removal only to the extent the court determines the opposition was reasonably necessary to protect the interests of the individual subject to guardianship or conservatorship.

NEW SECTION. Sec. 122. LIABILITY OF GUARDIAN OR CONSERVATOR FOR ACT OF INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP. A guardian or conservator is not personally liable to another person solely because of the guardianship or conservatorship for an act or omission of the individual subject to guardianship or conservatorship.

NEW SECTION. Sec. 123. PETITION AFTER APPOINTMENT FOR INSTRUCTION OR RATIFICATION. (1) A guardian or conservator may petition the court for instruction concerning fiduciary responsibility or ratification of a particular act related to the guardianship or conservatorship.

(2) On reasonable notice and hearing on a petition under subsection (1) of this section, the court may give an instruction and issue an appropriate order.

(3) The petitioner must provide reasonable notice of the petition and hearing to the individual subject to a guardianship or conservatorship.

NEW SECTION. Sec. 124. THIRD-PARTY ACCEPTANCE OF AUTHORITY OF GUARDIAN OR CONSERVATOR. (1) A person must not recognize the authority of a guardian or conservator to act on behalf of an individual subject to guardianship or conservatorship if:

(a) The person has actual knowledge or a reasonable belief that the letters of office of the guardian or conservator are invalid or the conservator or guardian is exceeding or improperly exercising authority granted by the court; or

(b) The person has actual knowledge that the individual subject to guardianship or conservatorship is subject to physical or financial abuse, neglect, exploitation, or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator.

(2) A person may refuse to recognize the authority of a guardian or conservator to act on behalf of an individual subject to guardianship or conservatorship if:

(a) The guardian's or conservator's proposed action would be inconsistent with this chapter; or

(b) The person makes, or has actual knowledge that another person has made, a report to the department of

children, youth, and families or the department of social and health services stating a good-faith belief that the individual subject to guardianship or conservatorship is subject to physical or financial abuse, neglect, exploitation, or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator.

(3) A person that refuses to accept the authority of a guardian or conservator in accordance with subsection (2) of this section may report the refusal and the reason for refusal to the court. The court on receiving the report shall consider whether removal of the guardian or conservator or other action is appropriate.

(4) A guardian or conservator may petition the court to require a third party to accept a decision made by the guardian or conservator on behalf of the individual subject to guardianship or conservatorship.

(5) If the court determines that a third party has failed to recognize the legitimate authority of a guardian or requires a third party to accept a decision made by the guardian on behalf of the individual subject to guardianship, the court may order that third party to compensate the guardian for the time spent only to the extent the court determines the opposition was reasonably necessary to protect the interests of the individual subject to guardianship.

NEW SECTION. Sec. 125. USE OF AGENT BY GUARDIAN OR CONSERVATOR. (1) Except as otherwise provided in subsection (3) of this section, a guardian or conservator may delegate a power to an agent which a prudent guardian or conservator of comparable skills could delegate prudently under the circumstances if the delegation is consistent with the guardian's or conservator's fiduciary duties and the guardian's plan under section 317 of this act or the conservator's plan under section 419 of this act.

(2) In delegating a power under subsection (1) of this section, the guardian or conservator shall exercise reasonable care, skill, and caution in:

(a) Selecting the agent;

(b) Establishing the scope and terms of the agent's work in accordance with the guardian's plan under section 317 of this act or the conservator's plan under section 419 of this act;

(c) Monitoring the agent's performance and compliance with the delegation;

(d) Redressing an act or omission of the agent which would constitute a breach of the guardian's or conservator's duties if done by the guardian or conservator; and

(e) Ensuring a background check is conducted on the agent, or conducted on persons employed by the agent when those persons are providing services to the individual subject to a guardianship or conservatorship.

(3) A guardian or conservator may not delegate all powers to an agent.

(4) In performing a power delegated under this section, an agent shall:

(a) Exercise reasonable care to comply with the terms of the delegation and use reasonable care in the performance of the power; and

(b) If the guardian or conservator has delegated to the agent the power to make a decision on behalf of the individual subject to guardianship or conservatorship, use the same decision-making standard the guardian or conservator would be required to use.

(5) By accepting a delegation of a power under subsection (1) of this section from a guardian or conservator, an agent submits to the personal jurisdiction of the courts of this state in an action involving the agent's performance as agent.

(6) A guardian or conservator that delegates and monitors a power in compliance with this section is not liable for the decision, act, or omission of the agent.

NEW SECTION. Sec. 126. TEMPORARY SUBSTITUTE GUARDIAN OR CONSERVATOR. (1) The court may appoint a temporary substitute guardian for an individual subject to guardianship for a period not exceeding six months if:

(a) A proceeding to remove a guardian for the individual is pending; or

(b) The court finds a guardian is not effectively performing the guardian's duties and the welfare of the individual requires immediate action.

(2) The court may appoint a temporary substitute conservator for an individual subject to conservatorship for a period not exceeding six months if:

(a) A proceeding to remove a conservator for the individual is pending; or

(b) The court finds that a conservator for the individual is not effectively performing the conservator's duties and the welfare of the individual or the conservatorship estate requires immediate action.

(3) The court shall hold a hearing to appoint a temporary substitute guardian pursuant to subsection (1)(a) or (b) of this section, or to appoint a temporary substitute conservator pursuant to subsection (2)(a) or (b) of this section. The court shall give notice under section 113 of this act to the adult subject to guardianship or conservatorship and to any other person the court determines should receive notice. The adult subject to guardianship or conservatorship shall have the right to attend the hearing and to be represented by counsel of the adult subject to guardianship or conservatorship's choosing.

(4) Except as otherwise ordered by the court, a temporary substitute guardian or temporary substitute conservator appointed under this section has the powers stated in the order of appointment of the guardian or conservator. The authority of the existing guardian or

conservator is suspended for as long as the temporary substitute guardian or conservator has authority.

(5) The court shall give notice of appointment of a temporary substitute guardian or temporary substitute conservator, not later than five days after the appointment, to:

(a) The individual subject to guardianship or conservatorship;

(b) The affected guardian or conservator; and

(c) In the case of a minor, each parent of the minor and any person currently having care or custody of the minor.

(6) The court may remove a temporary substitute guardian or temporary substitute conservator at any time. The temporary substitute guardian or temporary substitute conservator shall make any report the court requires.

NEW SECTION. Sec. 127. REGISTRATION OF ORDER—EFFECT. (1) If a guardian has been appointed in another state for an individual, and a petition for guardianship for the individual is not pending in this state, the guardian appointed in the other state, after giving notice to the appointing court, may register the guardianship order in this state by filing as a foreign judgment, in a court of an appropriate county of this state, certified copies of the order and letters of office.

(2) If a conservator has been appointed in another state for an individual, and a petition for conservatorship for the individual is not pending in this state, the conservator appointed for the individual in the other state, after giving notice to the appointing court, may register the conservatorship in this state by filing as a foreign judgment, in a court of a county in which property belonging to the individual subject to conservatorship is located, certified copies of the order of conservatorship, letters of office, and any bond or other verified receipt required by the court.

(3) On registration under this section of a guardianship or conservatorship order from another state, the guardian or conservator may exercise in this state all powers authorized in the order except as prohibited by this chapter and law of this state other than this chapter. If the guardian or conservator is not a resident of this state, the guardian or conservator may maintain an action or proceeding in this state subject to any condition imposed by this state on an action or proceeding by a nonresident party.

(4) The court may grant any relief available under this chapter and law of this state other than this chapter to enforce an order registered under this section.

NEW SECTION. Sec. 128. GRIEVANCE AGAINST GUARDIAN OR CONSERVATOR. (1) An individual who is subject to guardianship or conservatorship, or person interested in the welfare of an individual subject to guardianship or conservatorship, that reasonably believes the guardian or conservator is breaching the guardian's or conservator's fiduciary duty or otherwise acting in a manner

inconsistent with this chapter may file a grievance in a record with the court.

(2) Subject to subsection (3) of this section, after receiving a grievance under subsection (1) of this section, the court:

(a) Shall promptly review the grievance against a guardian and shall act to protect the autonomy, values, preferences, and independence of the individual subject to guardianship or conservatorship;

(b) Shall schedule a hearing if the individual subject to guardianship or conservatorship is an adult and the grievance supports a reasonable belief that:

(i) Removal of the guardian and appointment of a successor may be appropriate under section 319 of this act;

(ii) Termination or modification of the guardianship may be appropriate under section 320 of this act;

(iii) Removal of the conservator and appointment of a successor may be appropriate under section 430 of this act;

(iv) Termination or modification of the conservatorship may be appropriate under section 431 of this act; or

(v) A hearing is necessary to resolve the allegations set forth in the grievance; and

(c) May take any action supported by the evidence, including:

(i) Ordering the guardian or conservator to provide the court a report, accounting, inventory, updated plan, or other information;

(ii) Appointing a guardian ad litem;

(iii) Appointing an attorney for the individual subject to guardianship or conservatorship; or

(iv) Holding a hearing.

(3) The court may decline to act under subsection (2) of this section if a similar grievance was filed within the six months preceding the filing of the current grievance and the court followed the procedures of subsection (2) of this section in considering the earlier grievance; and may levy necessary sanctions, including but not limited to the imposition of reasonable attorney fees, costs, striking pleadings, or other appropriate relief, if after consideration the court finds that the grievance is made for reason to harass, delay, with malice, or other bad faith.

(4) In any court action under this section where the court finds the professional guardian or conservator breached a fiduciary duty, the court must direct the clerk of the court to send a copy of the order entered under this section to the certified professional guardianship board.

(5) A court shall not dismiss a grievance that has been filed against a guardian or conservator due to an inability to resolve the grievance in a timely manner.

NEW SECTION. **Sec. 129.** DELEGATION BY PARENT. Except as otherwise provided in RCW 11.125.410, a parent of a minor, by a power of attorney, may delegate to another person for a period not exceeding twenty-four months any of the parent's powers regarding care, custody, or property of the minor, other than power to consent to marriage or adoption.

NEW SECTION. **Sec. 130.** EX PARTE COMMUNICATIONS—REMOVAL. A guardian ad litem or visitor shall not engage in ex parte communications with any judicial officer involved in the matter for which he or she is appointed during the pendency of the proceeding, except as permitted by court rule or statute for ex parte motions. Ex parte motions shall be heard in open court on the record. The record may be preserved in a manner deemed appropriate by the county where the matter is heard. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem or visitor who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on the pending case.

NEW SECTION. **Sec. 131.** REGISTRY FOR GUARDIANS AD LITEM AND VISITORS. (1) The superior court of each county shall develop and maintain a registry of persons who are willing and qualified to serve as guardians ad litem and visitors in guardianship and conservatorship matters. The court shall choose as guardian ad litem or visitor a person whose name appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for particular expertise. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or removal of persons on the registry for failure to perform properly their duties as guardian ad litem or visitor. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(2) To be eligible for the registry a person shall:

(a) Present a written statement outlining his or her background and qualifications. The background statement shall include, but is not limited to, the following information:

(i) Level of formal education;

(ii) Training related to the duties of a guardian ad litem or visitor;

(iii) Number of years' experience as a guardian ad litem or visitor;

(iv) Number of appointments as a guardian ad litem or visitor and the county or counties of appointment;

(v) Criminal history, as defined in RCW 9.94A.030; and

(vi) Evidence of the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness,

developmental disabilities, and other areas relevant to the needs of persons subject to guardianship or conservatorship, legal procedure, and the requirements of this chapter.

The written statement of qualifications shall include the names of any counties in which the person was removed from a guardian ad litem or visitor registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and

(b) Complete the training as described in subsection (5) of this section. The training is not applicable to guardians ad litem appointed pursuant to special proceeding rule 98.16W.

(3) The superior court shall remove any person from the guardian ad litem or visitor registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

(4) The background and qualification information shall be updated annually.

(5) The department of social and health services shall convene an advisory group to develop a model lay guardian, guardian ad litem, and visitor training program and shall update the program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, domestic violence, aging, legal, court administration, the Washington state bar association, and other interested parties.

(6) The superior court shall require utilization of the model program developed by the advisory group as described in subsection (5) of this section to assure that candidates applying for registration as a qualified guardian ad litem or visitor shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem or visitor.

NEW SECTION. Sec. 132. GUARDIANSHIP/CONSERVATORSHIP SUMMARY. Every order appointing a guardian or conservator and every court order approving accounts or reports filed by a guardian or conservator must include a guardianship/conservatorship summary placed directly below the case caption or on a separate cover page in or substantially in the same form as set forth in section 606 of this act.

NEW SECTION. Sec. 133. GUARDIANSHIP/CONSERVATORSHIP COURTHOUSE FACILITATOR PROGRAM. A county may create a guardianship/conservatorship courthouse facilitator program to provide basic services to pro se litigants in guardianship and conservatorship cases. The legislative authority of any county may impose user fees or may impose a surcharge of up to twenty dollars, or both, on superior court cases filed under this chapter, chapter 11.90 RCW, and chapter 73.36 RCW to pay for the expenses of the guardianship/conservatorship courthouse facilitator

program. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate guardianship/conservatorship courthouse facilitator account to be used as provided in this section.

NEW SECTION. Sec. 134. FILING FEE. (1)(a) The attorney general may petition for the appointment of a guardian, conservator, or other protective arrangement under sections 302, 402, and 504 of this act in which there is cause to believe that a guardianship, conservatorship, or protective arrangement is necessary and no private party is able and willing to petition.

(b) Prepayment of a filing fee shall not be required in any guardianship, conservatorship, or protective arrangement proceeding brought by the attorney general. Payment of the filing fee shall be ordered from the estate of the respondent person at the hearing on the merits of the petition, unless in the judgment of the court, such payment would impose a hardship upon the respondent, in which case the filing shall be waived.

(2) No filing fee shall be charged by the court for filing a petition for guardianship, conservatorship, or other protective arrangement filed under sections 302, 402, and 504 of this act if the petition alleges that the respondent has total assets of a value of less than three thousand dollars.

(3) No filing fee shall be charged by the court for filing a petition for guardianship or conservatorship filed under article 2 of this act, where the potential guardian is a relative and not a professional guardian or conservator.

NEW SECTION. Sec. 135. GUARDIANSHIPS INVOLVING VETERANS. For guardianships involving veterans see chapter 73.36 RCW.

NEW SECTION. Sec. 136. CONSTRUCTION—CHAPTER APPLICABLE TO STATE REGISTERED DOMESTIC PARTNERSHIPS—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and relative shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships.

ARTICLE 2

GUARDIANSHIP OF MINOR

NEW SECTION. **Sec. 201.** BASIS FOR APPOINTMENT OF GUARDIAN FOR MINOR. (1) A person becomes a guardian for a minor only on appointment by the court.

(2) The court may appoint a guardian for a minor who does not have a guardian if the court finds the appointment is in the minor's best interest and:

(a) Each parent of the minor, after being fully informed of the nature and consequences of guardianship, consents;

(b) All parental rights have been terminated; or

(c) There is clear and convincing evidence that no parent of the minor is willing or able to exercise the powers the court is granting the guardian.

NEW SECTION. **Sec. 202.** PETITION FOR APPOINTMENT OF GUARDIAN FOR MINOR. (1) A person interested in the welfare of a minor, including the minor, may petition for appointment of a guardian for the minor.

(2) A petition under subsection (1) of this section must state the petitioner's name, principal residence, current street address, if different, relationship to the minor, interest in the appointment, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

(a) The minor's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the minor will reside if the appointment is made;

(b) The name and current street address of the minor's parents;

(c) The name and address, if known, of each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;

(d) The name and address of any attorney for the minor and any attorney for each parent of the minor;

(e) The reason guardianship is sought and would be in the best interest of the minor;

(f) The name and address of any proposed guardian and the reason the proposed guardian should be selected;

(g) If the minor has property other than personal effects, a general statement of the minor's property with an estimate of its value;

(h) Whether the minor needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings;

(i) Whether any parent of the minor needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings; and

(j) Whether any other proceeding concerning the care or custody of the minor is pending in any court in this state or another jurisdiction.

NEW SECTION. **Sec. 203.** NOTICE OF HEARING FOR APPOINTMENT OF GUARDIAN FOR MINOR. (1) If a petition is filed under section 202 of this act, the court shall schedule a hearing and the petitioner shall:

(a) Serve notice of the date, time, and place of the hearing, together with a copy of the petition, personally on each of the following that is not the petitioner:

(i) The minor, if the minor will be twelve years of age or older at the time of the hearing;

(ii) Each parent of the minor or, if there is none, the adult nearest in kinship who can be found with reasonable diligence;

(iii) Any adult with whom the minor resides;

(iv) Each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition; and

(v) Any other person the court determines should receive personal service of notice; and

(b) Give notice under section 113 of this act of the date, time, and place of the hearing, together with a copy of the petition, to:

(i) Any person nominated as guardian by the minor, if the minor is twelve years of age or older;

(ii) Any nominee of a parent;

(iii) Each grandparent and adult sibling of the minor;

(iv) Any guardian or conservator acting for the minor in any jurisdiction; and

(v) Any other person the court determines.

(2) Notice required by subsection (1) of this section must include a statement of the right to request appointment of an attorney for the minor or object to appointment of a guardian and a description of the nature, purpose, and consequences of appointment of a guardian.

(3) The court may not grant a petition for guardianship of a minor if notice substantially complying with subsection (1)(a) of this section is not served on:

(a) The minor, if the minor is twelve years of age or older; and

(b) Each parent of the minor, unless the court finds by clear and convincing evidence that the parent cannot with due diligence be located and served or the parent waived, in a record, the right to notice.

(4) If a petitioner is unable to serve notice under subsection (1)(a) of this section on a parent of a minor or

alleges that the parent waived, in a record, the right to notice under this section, the court shall appoint a visitor who shall:

- (a) Interview the petitioner and the minor;
- (b) If the petitioner alleges the parent cannot be located, ascertain whether the parent cannot be located with due diligence;
- (c) Investigate any other matter relating to the petition the court directs; and
- (d) Ascertain whether the parent consents to the guardian for the minor.

NEW SECTION. Sec. 204. ATTORNEY FOR MINOR OR PARENT. (1) The court is not required, but may appoint an attorney to represent a minor who is the subject of a proceeding under section 202 of this act if:

- (a) Requested by the minor and the minor is twelve years of age or older;
- (b) Recommended by a guardian ad litem; or
- (c) The court determines the minor needs representation.

(2) An attorney appointed under subsection (1) of this section shall:

- (a) Make a reasonable effort to ascertain the minor's wishes;
- (b) Advocate for the minor's wishes to the extent reasonably ascertainable; and
- (c) If the minor's wishes are not reasonably ascertainable, advocate for the minor's legal rights.

(3) A minor who is the subject of a proceeding under section 202 of this act may retain an attorney to represent the minor in the proceeding.

(4) A parent of a minor who is the subject of a proceeding under section 202 of this act may retain an attorney to represent the parent in the proceeding.

(5) The court must appoint an attorney to represent a parent of a minor who is the subject of a proceeding under section 202 of this act if:

- (a) The parent has appeared in the proceeding;
- (b) The parent is indigent; and
- (c) Any of the following is true:
 - (i) The parent objects to appointment of a guardian for the minor; or
 - (ii) The court determines that counsel is needed to ensure that consent to appointment of a guardian is informed; or
 - (iii) The court otherwise determines the parent needs representation.

(6) The court must inquire about whether a parent is indigent to ensure that counsel is appointed in a timely

manner. For purposes of this section, "indigent" has the same meaning as under RCW 10.101.010.

(7) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under section 202 of this act, even if the parent is not indigent, if:

- (a) The parent objects to appointment of a guardian for the minor;
- (b) The court determines that counsel is needed to ensure that consent to appointment of a guardian is informed; or
- (c) The court otherwise determines that the parent needs representation.

(8) A party represented by an attorney in proceedings under this article has the right to introduce evidence, to be heard in his or her own behalf, and to examine witnesses. If a party to an action under this article is represented by counsel, no order may be provided to that party for signature without prior notice and provision of the order to counsel.

NEW SECTION. Sec. 205. ATTENDANCE AND PARTICIPATION AT HEARING FOR APPOINTMENT OF GUARDIAN FOR MINOR. (1) The court shall allow a minor who is the subject of a hearing under section 203 of this act to attend the hearing and allow the minor to participate in the hearing unless the court determines, by clear and convincing evidence presented at the hearing or a separate hearing, that:

- (a) The minor lacks the ability or maturity to participate meaningfully in the hearing; or
- (b) Attendance would be harmful to the minor.

(2) Unless excused by the court for good cause, the person proposed to be appointed as guardian for a minor shall attend a hearing under section 203 of this act.

(3) Each parent of a minor who is the subject of a hearing under section 203 of this act has the right to attend the hearing.

(4) A person may request permission to participate in a hearing under section 203 of this act. The court may grant the request, with or without hearing, on determining that it is in the best interest of the minor who is the subject of the hearing. The court may impose appropriate conditions on the person's participation.

NEW SECTION. Sec. 206. CUSTODY ORDERS—BACKGROUND INFORMATION TO BE CONSULTED. (1) Before granting any order regarding the custody of a child under this chapter, the court must consult the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child.

(2) Before entering a final order, the court must:

(a) Direct the department of children, youth, and families to release information as provided under RCW 13.50.100; and

(b) Require the petitioner to provide the results of an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system as described in chapter 43.43 RCW for the petitioner and adult members of the petitioner's household.

NEW SECTION. **Sec. 207.** ORDER OF APPOINTMENT—PRIORITY OF NOMINEE—LIMITED GUARDIANSHIP FOR MINOR. (1) After a hearing under section 203 of this act, the court may appoint a guardian for a minor, if appointment is proper under section 201 of this act, dismiss the proceeding, or take other appropriate action consistent with this chapter or law of this state other than this chapter.

(2) In appointing a guardian under subsection (1) of this section, the following rules apply:

(a) The court shall appoint a person nominated as guardian by a parent of the minor in a will or other record unless the court finds the appointment is contrary to the best interest of the minor.

(b) If multiple parents have nominated different persons to serve as guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(c) If a guardian is not appointed under (a) or (b) of this subsection, the court shall appoint the person nominated by the minor if the minor is twelve years of age or older unless the court finds that appointment is contrary to the best interest of the minor. In that case, the court shall appoint as guardian a person whose appointment is in the best interest of the minor.

(3) In the interest of maintaining or encouraging involvement by a minor's parent in the minor's life, developing self-reliance of the minor, or for other good cause, the court, at the time of appointment of a guardian for the minor or later, on its own or on motion of the minor or other interested person, may create a limited guardianship by limiting the powers otherwise granted by this article to the guardian. Following the same procedure, the court may grant additional powers or withdraw powers previously granted.

(4) The court, as part of an order appointing a guardian for a minor, shall state rights retained by any parent of the minor, which may include contact or visitation with the minor, decision making regarding the minor's health care, education, or other matter, or access to a record regarding the minor.

(5) An order granting a guardianship for a minor must state that each parent of the minor is entitled to notice that:

(a) The guardian has delegated custody of the minor subject to guardianship;

(b) The court has modified or limited the powers of the guardian; or

(c) The court has removed the guardian.

(6) An order granting a guardianship for a minor must identify any person in addition to a parent of the minor which is entitled to notice of the events listed in subsection (5) of this section.

(7) An order granting guardianship for a minor must direct the clerk of the court to issue letters of office to the guardian containing an expiration date which should be the minor's eighteenth birthday.

NEW SECTION. **Sec. 208.** STANDBY GUARDIAN FOR MINOR. (1) A standby guardian appointed under this section may act as guardian, with all duties and powers of a guardian under sections 210 and 211 of this act, when no parent of the minor is willing or able to exercise the duties and powers granted to the guardian.

(2) A parent of a minor, in a signed record, may nominate a person to be appointed by the court as standby guardian for the minor. The parent, in a signed record, may state desired limitations on the powers to be granted the standby guardian. The parent, in a signed record, may revoke or amend the nomination at any time before the court appoints a standby guardian.

(3) The court may appoint a standby guardian for a minor on:

(a) Petition by a parent of the minor or a person nominated under subsection (2) of this section; and

(b) Finding that no parent of the minor likely will be able or willing to care for or make decisions with respect to the minor not later than two years after the appointment.

(4) A petition under subsection (3)(a) of this section must include the same information required under section 202 of this act for the appointment of a guardian for a minor.

(5) On filing a petition under subsection (3)(a) of this section, the petitioner shall:

(a) Serve a copy of the petition personally on:

(i) The minor, if the minor is twelve years of age or older, and the minor's attorney, if any;

(ii) Each parent of the minor;

(iii) The person nominated as standby guardian; and

(iv) Any other person the court determines; and

(b) Include with the copy of the petition served under (a) of this subsection a statement of the right to request appointment of an attorney for the minor or to object to appointment of the standby guardian, and a description of the nature, purpose, and consequences of appointment of a standby guardian.

(6) A person entitled to notice under subsection (5) of this section, not later than sixty days after service of the petition and statement, may object to appointment of the

standby guardian by filing an objection with the court and giving notice of the objection to each other person entitled to notice under subsection (5) of this section.

(7) If an objection is filed under subsection (6) of this section, the court shall hold a hearing to determine whether a standby guardian should be appointed and, if so, the person that should be appointed. If no objection is filed, the court may make the appointment.

(8) The court may not grant a petition for a standby guardian of the minor if notice substantially complying with subsection (5) of this section is not served on:

(a) The minor, if the minor is twelve years of age or older; and

(b) Each parent of the minor, unless the court finds by clear and convincing evidence that the parent, in a record, waived the right to notice or cannot be located and served with due diligence.

(9) If a petitioner is unable to serve notice under subsection (5) of this section on a parent of the minor or alleges that a parent of the minor waived the right to notice under this section, the court shall appoint a visitor who shall:

(a) Interview the petitioner and the minor;

(b) If the petitioner alleges the parent cannot be located and served, ascertain whether the parent cannot be located with due diligence; and

(c) Investigate any other matter relating to the petition the court directs.

(10) If the court finds under subsection (3) of this section that a standby guardian should be appointed, the following rules apply:

(a) The court shall appoint the person nominated under subsection (2) of this section unless the court finds the appointment is contrary to the best interest of the minor.

(b) If the parents have nominated different persons to serve as standby guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(11) An order appointing a standby guardian under this section must state that each parent of the minor is entitled to notice, and identify any other person entitled to notice, if:

(a) The standby guardian assumes the duties and powers of the guardian;

(b) The guardian delegates custody of the minor;

(c) The court modifies or limits the powers of the guardian; or

(d) The court removes the guardian.

(12) Before assuming the duties and powers of a guardian, a standby guardian must file with the court an acceptance of appointment as guardian and give notice of the acceptance to:

(a) Each parent of the minor, unless the parent, in a record, waived the right to notice or cannot be located and served with due diligence;

(b) The minor, if the minor is twelve years of age or older; and

(c) Any person, other than the parent, having care or custody of the minor.

(13) A person that receives notice under subsection (12) of this section or any other person interested in the welfare of the minor may file with the court an objection to the standby guardian's assumption of duties and powers of a guardian. The court shall hold a hearing if the objection supports a reasonable belief that the conditions for assumption of duties and powers have not been satisfied.

NEW SECTION. Sec. 209. EMERGENCY GUARDIAN FOR MINOR. (1) On its own, or on petition by a person interested in a minor's welfare, the court may appoint an emergency guardian for the minor if the court finds:

(a) Appointment of an emergency guardian is likely to prevent substantial harm to the minor's health, safety, or welfare; and

(b) No other person appears to have authority and willingness to act in the circumstances.

(2) The duration of authority of an emergency guardian for a minor may not exceed sixty days and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection (1) of this section continue.

(3) Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on a petition for appointment of an emergency guardian for a minor must be given to:

(a) The minor, if the minor is twelve years of age or older;

(b) Any attorney appointed under section 204 of this act;

(c) Each parent of the minor;

(d) Any person, other than a parent, having care or custody of the minor; and

(e) Any other person the court determines.

(4) The court may appoint an emergency guardian for a minor without notice under subsection (3) of this section and a hearing only if the court finds from an affidavit or testimony that the minor's health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without notice to an unrepresented minor or the attorney for a represented minor, notice of the appointment must be given not later than forty-eight hours after the

appointment to the individuals listed in subsection (3) of this section. Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.

(5) Appointment of an emergency guardian under this section, with or without notice, is not a determination that a basis exists for appointment of a guardian under section 201 of this act.

(6) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian shall make any report the court requires.

(7) Notwithstanding subsection (2) of this section, the court may extend an emergency guardianship pending the outcome of a full hearing under section 202 or 208 of this act.

NEW SECTION. Sec. 210. DUTIES OF GUARDIAN FOR MINOR. (1) A guardian for a minor is a fiduciary. Except as otherwise limited by the court, a guardian for a minor has the duties and responsibilities of a parent regarding the minor's support, care, education, health, safety, and welfare. A guardian shall act in the minor's best interest and exercise reasonable care, diligence, and prudence.

(2) A guardian for a minor shall:

(a) Be personally acquainted with the minor and maintain sufficient contact with the minor to know the minor's abilities, limitations, needs, opportunities, and physical and mental health;

(b) Take reasonable care of the minor's personal effects and bring a proceeding for a conservatorship or protective arrangement instead of conservatorship if necessary to protect other property of the minor;

(c) Expend funds of the minor which have been received by the guardian for the minor's current needs for support, care, education, health, safety, and welfare;

(d) Conserve any funds of the minor not expended under (c) of this subsection for the minor's future needs, but if a conservator is appointed for the minor, pay the funds at least quarterly to the conservator to be conserved for the minor's future needs;

(e) Report the condition of the minor and account for funds and other property of the minor in the guardian's possession or subject to the guardian's control, as required by court rule or ordered by the court on application of a person interested in the minor's welfare;

(f) Inform the court of any change in the minor's dwelling or address; and

(g) In determining what is in the minor's best interest, take into account the minor's preferences to the extent actually known or reasonably ascertainable by the guardian.

NEW SECTION. Sec. 211. POWERS OF GUARDIAN FOR MINOR. (1) Except as otherwise limited by court order, a guardian of a minor has the powers a parent otherwise would have regarding the minor's support, care, education, health, safety, and welfare.

(2) Except as otherwise limited by court order, a guardian for a minor may:

(a) Apply for and receive funds and benefits otherwise payable for the support of the minor to the minor's parent, guardian, or custodian under a statutory system of benefits or insurance or any private contract, devise, trust, conservatorship, or custodianship;

(b) Unless inconsistent with a court order entitled to recognition in this state, take custody of the minor and establish the minor's place of dwelling in this state and, after following the process in RCW 26.09.405 through 26.09.560 and on authorization of the court, establish or move the minor's dwelling outside this state;

(c) If the minor is not subject to conservatorship, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel a person to support the minor, pay child support, or make other payments for the benefit of the minor;

(d) Consent to health or other care, treatment, or service for the minor; or

(e) To the extent reasonable, delegate to the minor responsibility for a decision affecting the minor's well-being.

(3) The court may authorize a guardian for a minor to consent to the adoption of the minor if the minor does not have a parent.

NEW SECTION. Sec. 212. REMOVAL OF GUARDIAN FOR MINOR—TERMINATION OF GUARDIANSHIP—APPOINTMENT OF SUCCESSOR. (1) Guardianship under this chapter for a minor terminates:

(a) On the minor's death, adoption, emancipation, or attainment of majority; or

(b) When the court finds that the standard in section 201 of this act for appointment of a guardian is not satisfied, unless the court finds that:

(i) Termination of the guardianship would be harmful to the minor; and

(ii) The minor's interest in the continuation of the guardianship outweighs the interest of any parent of the minor in restoration of the parent's right to make decisions for the minor.

(2) A minor subject to guardianship or a person interested in the welfare of the minor, including a parent, may petition the court to terminate the guardianship, modify the guardianship, remove the guardian and appoint a successor guardian, or remove a standby guardian and appoint a different standby guardian.

(3) A petitioner under subsection (2) of this section shall give notice of the hearing on the petition to the minor,

if the minor is twelve years of age or older and is not the petitioner, the guardian, each parent of the minor, and any other person the court determines.

(4) The court shall follow the priorities in section 207(2) of this act when selecting a successor guardian for a minor.

(5) Not later than thirty days after appointment of a successor guardian for a minor, the court shall give notice of the appointment to the minor subject to guardianship, if the minor is twelve years of age or older, each parent of the minor, and any other person the court determines.

(6) When terminating a guardianship for a minor under this section, the court may issue an order providing for transitional arrangements that will assist the minor with a transition of custody and is in the best interest of the minor.

(7) A guardian for a minor that is removed shall cooperate with a successor guardian to facilitate transition of the guardian's responsibilities and protect the best interest of the minor.

NEW SECTION. Sec. 213. PRIOR COURT ORDER VALIDITY. This chapter does not affect the validity of any court order issued under chapter 26.10 RCW prior to the effective date of this section. Orders issued under chapter 26.10 RCW prior to the effective date of this section remain in effect and do not need to be reissued in a new order under this chapter.

NEW SECTION. Sec. 214. APPLICATION OF THE INDIAN CHILD WELFARE ACT. (1) Every petition filed in proceedings under this chapter shall contain a statement alleging whether the child is or may be an Indian child as defined in RCW 13.38.040. If the child is an Indian child, chapter 13.38 RCW shall apply.

(2) Every order or decree entered in any proceeding under this chapter shall contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the decree or order must also contain a finding that all notice and evidentiary requirements under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied.

NEW SECTION. Sec. 215. CHILD SUPPORT. In entering or modifying an order under this chapter, the court may order one or more parents of the child to pay an amount reasonable or necessary for the child's support pursuant to chapter 26.19 RCW.

NEW SECTION. Sec. 216. HEALTH INSURANCE COVERAGE—CONDITIONS. (1) In entering or modifying a custody order under this chapter, the court must require one or more parents to maintain or provide health insurance coverage for any dependent child if the following conditions are met:

(a) Health insurance that can be extended to cover the child is available to that parent through an employer or other organization; and

(b) The employer or other organization offering health insurance will contribute all or a part of the premium for coverage of the child.

(2) A parent who is required to extend insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

(3) This section may not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of medical expenses, medical costs, or insurance premiums which are in addition to and not inconsistent with this section. "Health insurance" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

ARTICLE 3

GUARDIANSHIP OF ADULT

NEW SECTION. Sec. 301. BASIS FOR APPOINTMENT OF GUARDIAN FOR ADULT. (1) On petition and after notice and hearing, the court may:

(a) Appoint a guardian for an adult if the court finds by clear and convincing evidence that:

(i) The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making; and

(ii) The respondent's identified needs cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative; or

(b) With appropriate findings, treat the petition as one for a conservatorship under article 4 of this chapter or protective arrangement under article 5 of this chapter, issue any appropriate order, or dismiss the proceeding.

(2) The court shall grant a guardian appointed under subsection (1) of this section only those powers necessitated by the demonstrated needs and limitations of the respondent and issue orders that will encourage development of the respondent's maximum self-determination and independence. The court may not establish a full guardianship if a limited guardianship, protective arrangement instead of guardianship, or other less restrictive alternative would meet the needs of the respondent.

NEW SECTION. Sec. 302. PETITION FOR APPOINTMENT OF GUARDIAN FOR ADULT. (1) A person interested in an adult's welfare, including the adult for whom the order is sought, may petition for appointment of a guardian for the adult.

(2) A petition under subsection (1) of this section must state the petitioner's name, principal residence, current street address, if different, relationship to the respondent, interest in the appointment, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

(a) The respondent's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(b) The name and address of the respondent's:

(i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period immediately before the filing of the petition;

(ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the petition;

(c) The name and current address of each of the following, if applicable:

(i) A person responsible for care of the respondent;

(ii) Any attorney currently representing the respondent;

(iii) Any representative payee appointed by the social security administration for the respondent;

(iv) A guardian or conservator acting for the respondent in this state or in another jurisdiction;

(v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(vi) Any fiduciary for the respondent appointed by the department of veterans affairs;

(vii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(viii) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(ix) A person nominated as guardian by the respondent;

(x) A person nominated as guardian by the respondent's parent or spouse or domestic partner in a will or other signed record;

(xi) A proposed guardian and the reason the proposed guardian should be selected; and

(xii) A person known to have routinely assisted the respondent with decision making during the six months immediately before the filing of the petition;

(d) The reason a guardianship is necessary, including a brief description of:

(i) The nature and extent of the respondent's alleged need;

(ii) Any protective arrangement instead of guardianship or other less restrictive alternatives for meeting the respondent's alleged need which have been considered or implemented;

(iii) If no protective arrangement instead of guardianship or other less restrictive alternatives have been considered or implemented, the reason they have not been considered or implemented; and

(iv) The reason a protective arrangement instead of guardianship or other less restrictive alternative is insufficient to meet the respondent's alleged need;

(e) Whether the petitioner seeks a limited guardianship or full guardianship;

(f) If the petitioner seeks a full guardianship, the reason a limited guardianship or protective arrangement instead of guardianship is not appropriate;

(g) If a limited guardianship is requested, the powers to be granted to the guardian;

(h) The name and current address, if known, of any person with whom the petitioner seeks to limit the respondent's contact;

(i) If the respondent has property other than personal effects, a general statement of the respondent's property, with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and

(j) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings.

NEW SECTION. Sec. 303. NOTICE OF HEARING FOR APPOINTMENT OF GUARDIAN FOR ADULT. (1) All petitions filed under section 302 of this act for appointment of a guardian for an adult shall be heard within sixty-days unless an extension of time is requested by a party or the visitor within such sixty-day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

(2) A copy of a petition under section 302 of this act and notice of a hearing on the petition must be served personally on the respondent and the visitor appointed under section 304 of this act not more than five court days after the petition under section 302 of this act has been filed. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition.

The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under section 302 of this act, the notice required under subsection (2) of this section must be given to the persons required to be listed in the petition under section 302(2) (a) through (c) of this act and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from appointing a guardian.

(4) After the appointment of a guardian, notice of a hearing on a petition for an order under this article, together with a copy of the petition, must be given to:

- (a) The adult subject to guardianship;
- (b) The guardian; and
- (c) Any other person the court determines.

NEW SECTION. Sec. 304. APPOINTMENT AND ROLE OF VISITOR. (1) On receipt of a petition under section 302 of this act for appointment of a guardian for an adult, the court shall appoint a visitor. The visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(2) The court, in the order appointing a visitor, shall specify the hourly rate the visitor may charge for his or her services, and shall specify the maximum amount the visitor may charge without additional court review and approval.

(3)(a) The visitor appointed under subsection (1) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under section 116 of this act with a statement including: His or her training relating to the duties as a visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the visitor has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the visitor should not be removed for one of the following three reasons:

- (i) Lack of expertise necessary for the proceeding;
- (ii) An hourly rate higher than what is reasonable for the particular proceeding; or
- (iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the visitor and all parties. If, after a hearing, the court enters an order replacing the visitor, findings shall be included, expressly stating the reasons for the removal. If the visitor is not removed, the court has the authority to assess to the

moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(4) A visitor appointed under subsection (1) of this section shall interview the respondent in person and, in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the general powers and duties of a guardian;

(b) Determine the respondent's views about the appointment sought by the petitioner, including views about a proposed guardian, the guardian's proposed powers and duties, and the scope and duration of the proposed guardianship; and

(c) Inform the respondent that all costs and expenses of the proceeding, including the respondent's attorney's fees, may be paid from the respondent's assets.

(5) The visitor appointed under subsection (1) of this section shall:

(a) Interview the petitioner and proposed guardian, if any;

(b) Visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the appointment is made;

(c) Obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition; and

(d) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(6) A visitor appointed under subsection (1) of this section shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under section 116 of this act at least fifteen days prior to the hearing on the petition filed under section 302 of this act, which must include:

(a) A summary of self-care and independent living tasks the respondent can manage without assistance or with existing supports, could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making, and cannot manage;

(b) A recommendation regarding the appropriateness of guardianship, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available and:

(i) If a guardianship is recommended, whether it should be full or limited; and

(ii) If a limited guardianship is recommended, the powers to be granted to the guardian;

(c) A statement of the qualifications of the proposed guardian and whether the respondent approves or disapproves of the proposed guardian;

(d) A statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to residence;

(e) A recommendation whether a professional evaluation under section 306 of this act is necessary;

(f) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(g) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(h) Any other matter the court directs.

NEW SECTION. Sec. 305. APPOINTMENT AND ROLE OF ATTORNEY FOR ADULT. (1)(a) The respondent shall have the right to be represented by a willing attorney of their choosing at any stage in guardianship proceedings.

(b) Unless the respondent in a proceeding for appointment of a guardian for an adult is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay, except as provided otherwise in (c) of this subsection.

(c)(i) The court must appoint an attorney to represent the respondent at public expense when either:

(A) The respondent is unable to afford an attorney;

(B) The expense of an attorney would result in substantial hardship to the respondent; or

(C) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the court must provide an attorney and may impose a reimbursement requirement as part of a final order.

(ii) When, in the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented, the court on its own motion must appoint an attorney at any time to represent the respondent.

(iii) An attorney must be provided under this subsection (1)(c) as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks is presumed by a reviewing court to be inadequate time for consultation and preparation.

(2) An attorney representing the respondent in a proceeding for appointment of a guardian for an adult shall:

(a) Make reasonable efforts to ascertain the respondent's wishes;

(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and

(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests.

NEW SECTION. Sec. 306. PROFESSIONAL EVALUATION. (1) At or before a hearing on a petition for a guardianship for an adult, the court shall order a professional evaluation of the respondent:

(a) If the respondent requests the evaluation; or

(b) In other cases, unless the court finds that it has sufficient information to determine the respondent's needs and abilities without the evaluation.

(2) If the court orders an evaluation under subsection (1) of this section, the respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, or advanced registered nurse practitioner licensed under chapter 18.79 RCW selected by the visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. The individual conducting the evaluation promptly shall file report in a record with the court. Unless otherwise directed by the court, the report must contain:

(a) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;

(b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;

(c) A prognosis for improvement and recommendation for the appropriate treatment, support, or habilitation plan; and

(d) The date of the examination on which the report is based.

(3) The respondent may decline to participate in an evaluation ordered under subsection (1) of this section.

NEW SECTION. Sec. 307. ATTENDANCE AND RIGHTS AT HEARING. (1) Except as otherwise provided in subsection (2) of this section, a hearing under section 303 of this act may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(2) A hearing under section 303 of this act may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

(a) The respondent consistently and repeatedly has refused to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so; or

(b) There is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services and technological assistance.

(3) The respondent may be assisted in a hearing under section 303 of this act by a person or persons of the respondent's choosing, assistive technology, or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(4) The respondent has a right to choose an attorney to represent the respondent at a hearing under section 303 of this act.

(5) At a hearing held under section 303 of this act, the respondent may:

(a) Present evidence and subpoena witnesses and documents;

(b) Examine witnesses, including any court-appointed evaluator and the visitor; and

(c) Otherwise participate in the hearing.

(6) Unless excused by the court for good cause, a proposed guardian shall attend a hearing under section 303 of this act.

(7) A hearing under section 303 of this act must be closed on request of the respondent and a showing of good cause.

(8) Any person may request to participate in a hearing under section 303 of this act. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.

NEW SECTION. Sec. 308. CONFIDENTIALITY OF RECORDS. (1) The existence of a proceeding for or the existence of a guardianship for an adult is a matter of public record unless the court seals the record after:

(a) The respondent or individual subject to guardianship requests the record be sealed; and

(b) Either:

(i) The petition for guardianship is dismissed; or

(ii) The guardianship is terminated.

(2) An adult subject to a proceeding for a guardianship, whether or not a guardian is appointed, an attorney designated by the adult, and a person entitled to

notice under section 310(5) of this act or a subsequent order are entitled to access court records of the proceeding and resulting guardianship, including the guardian's plan under section 317 of this act and report under section 318 of this act. A person not otherwise entitled to access court records under this subsection for good cause may petition the court for access to court records of the guardianship, including the guardian's report and plan. The court shall grant access if access is in the best interest of the respondent or adult subject to guardianship or furthers the public interest and does not endanger the welfare or financial interests of the adult.

(3) A report under section 304 of this act of a visitor or a professional evaluation under section 306 of this act is confidential and must be sealed on filing, but is available to:

(a) The court;

(b) The individual who is the subject of the report or evaluation, without limitation as to use;

(c) The petitioner, visitor, and petitioner's and respondent's attorneys, for purposes of the proceeding;

(d) Unless the court orders otherwise, an agent appointed under a power of attorney for health care or power of attorney for finances in which the respondent is the principal; and

(e) Any other person if it is in the public interest or for a purpose the court orders for good cause.

NEW SECTION. Sec. 309. WHO MAY BE GUARDIAN FOR ADULT—ORDER OF PRIORITY. (1) Except as otherwise provided in subsection (3) of this section, the court in appointing a guardian for an adult shall consider persons qualified to be guardian in the following order of priority:

(a) A guardian, other than a temporary or emergency guardian, currently acting for the respondent in another jurisdiction;

(b) A person nominated as guardian by the respondent, including the respondent's most recent nomination made in a power of attorney;

(c) An agent appointed by the respondent under a power of attorney for health care;

(d) A spouse or domestic partner of the respondent;

(e) A relative or other individual who has shown special care and concern for the respondent; and

(f) A certified professional guardian or conservator.

(2) If two or more persons have equal priority under subsection (1) of this section, the court shall select as guardian the person the court considers best qualified. In determining the best qualified person, the court shall consider the person's relationship with the respondent, the person's skills, the expressed wishes of the respondent, the extent to which the person and the respondent have similar values and preferences, and the likelihood the person will be able to perform the duties of a guardian successfully.

(3) The court, acting in the best interest of the respondent, may decline to appoint as guardian a person having priority under subsection (1) of this section and appoint a person having a lower priority or no priority.

(4) A person that provides paid services to the respondent, or an individual who is employed by a person that provides paid services to the respondent or is the spouse, domestic partner, parent, or child of an individual who provides or is employed to provide paid services to the respondent, may not be appointed as guardian unless:

(a) The individual is related to the respondent by blood, marriage, or adoption; or

(b) The court finds by clear and convincing evidence that the person is the best qualified person available for appointment and the appointment is in the best interest of the respondent.

(5) An owner, operator, or employee of a long-term care facility at which the respondent is receiving care may not be appointed as guardian unless the owner, operator, or employee is related to the respondent by blood, marriage, or adoption.

NEW SECTION. Sec. 310. ORDER OF APPOINTMENT FOR GUARDIAN. (1) A court order appointing a guardian for an adult must:

(a) Include a specific finding that clear and convincing evidence established that the identified needs of the respondent cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative, including use of appropriate supportive services, technological assistance, or supported decision making;

(b) Include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition;

(c) State whether the adult subject to guardianship retains the right to vote and, if the adult does not retain the right to vote, include findings that support removing that right which must include a finding that the adult cannot communicate, with or without support, a specific desire to participate in the voting process; and

(d) State whether the adult subject to guardianship retains the right to marry and, if the adult does not retain the right to marry, include findings that support removing that right.

(2) An adult subject to guardianship retains the right to vote unless the order under subsection (1) of this section includes the statement required by subsection (1)(c) of this section. An adult subject to guardianship retains the right to marry unless the order under subsection (1) of this section includes the findings required by subsection (1)(d) of this section.

(3) A court order establishing a full guardianship for an adult must state the basis for granting a full guardianship and include specific findings that support the conclusion that

a limited guardianship would not meet the functional needs of the adult subject to guardianship.

(4) A court order establishing a limited guardianship for an adult must state the specific powers granted to the guardian.

(5) The court, as part of an order establishing a guardianship for an adult, shall identify any person that subsequently is entitled to:

(a) Notice of the rights of the adult under section 311(2) of this act;

(b) Notice of a change in the primary dwelling of the adult;

(c) Notice that the guardian has delegated:

(i) The power to manage the care of the adult;

(ii) The power to make decisions about where the adult lives;

(iii) The power to make major medical decisions on behalf of the adult;

(iv) A power that requires court approval under section 315 of this act; or

(v) Substantially all powers of the guardian;

(d) Notice that the guardian will be unavailable to visit the adult for more than two months or unavailable to perform the guardian's duties for more than one month;

(e) A copy of the guardian's plan under section 317 of this act and the guardian's report under section 318 of this act;

(f) Access to court records relating to the guardianship;

(g) Notice of the death or significant change in the condition of the adult;

(h) Notice that the court has limited or modified the powers of the guardian; and

(i) Notice of the removal of the guardian.

(6) A spouse, domestic partner, and adult children of an adult subject to guardianship are entitled to notice under subsection (5) of this section unless the court determines notice would be contrary to the preferences or prior directions of the adult subject to guardianship or not in the best interest of the adult.

(7) All orders establishing a guardianship for an adult must contain:

(a) A guardianship summary placed directly below the case caption or on a separate cover page in the form or substantially the same form as set forth in section 606 of this act;

(b) The date which the limited guardian or guardian must file the guardian's plan under section 317(1) of this act;

(c) The date by which the court will review the guardian's plan as required by section 317(4) of this act;

(d) The report interval which the guardian shall file its guardian's plan under section 318 of this act. The report interval may be annual, biennial, or triennial;

(e) The date the limited guardian or guardian must file its guardian's plan under section 318 of this act. The due date of the filing of the report shall be within ninety days after the anniversary date of the appointment;

(f) The date for the court to review the guardian's plan under section 318 of this act and enter its order. The court shall conduct the review within one hundred twenty days after the anniversary date of the appointment.

NEW SECTION. Sec. 311. NOTICE OF ORDER OF APPOINTMENT—RIGHTS. (1) A guardian appointed under section 309 of this act shall give the adult subject to guardianship and all other persons given notice under section 303 of this act a copy of the order of appointment, together with notice of the right to request termination or modification. The order and notice must be given not later than fourteen days after the appointment.

(2) Not later than thirty days after appointment of a guardian under section 309 of this act, the guardian shall give to the adult subject to guardianship and any other person entitled to notice under section 310(5) of this act or a subsequent order a statement of the rights of the adult subject to guardianship and procedures to seek relief if the adult is denied those rights. The statement must be in at least sixteen-point font, in plain language, and, to the extent feasible, in a language in which the adult subject to guardianship is proficient. The statement must notify the adult subject to guardianship of the right to:

(a) Seek termination or modification of the guardianship, or removal of the guardian, and choose an attorney to represent the adult in these matters;

(b) Be involved in decisions affecting the adult, including decisions about the adult's care, dwelling, activities, or social interactions, to the extent reasonably feasible;

(c) Be involved in health care decision making to the extent reasonably feasible and supported in understanding the risks and benefits of health care options to the extent reasonably feasible;

(d) Be notified at least fourteen days before a change in the adult's primary dwelling or permanent move to a nursing home, mental health facility, or other facility that places restrictions on the individual's ability to leave or have visitors unless the change or move is proposed in the guardian's plan under section 317 of this act or authorized by the court by specific order;

(e) Object to a change or move described in (d) of this subsection and the process for objecting;

(f) Communicate, visit, or interact with others, including receiving visitors, and making or receiving telephone calls, personal mail, or electronic communications, including through social media, unless:

(i) The guardian has been authorized by the court by specific order to restrict communications, visits, or interactions;

(ii) A protective order or protective arrangement instead of guardianship is in effect that limits contact between the adult and a person; or

(iii) The guardian has good cause to believe restriction is necessary because interaction with a specified person poses a risk of significant physical, psychological, or financial harm to the adult, and the restriction is:

(A) For a period of not more than seven business days if the person has a relative or preexisting social relationship with the adult; or

(B) For a period of not more than sixty days if the person does not have a relative or preexisting social relationship with the adult;

(g) Receive a copy of the guardian's plan under section 317 of this act and the guardian's report under section 318 of this act;

(h) Object to the guardian's plan or report; and

(i) Associate with persons of their choosing as provided in section 315(5) of this act.

NEW SECTION. Sec. 312. EMERGENCY GUARDIAN FOR ADULT. (1) On its own after a petition has been filed under section 302 of this act, or on petition by a person interested in an adult's welfare, the court may appoint an emergency guardian for the adult if the court finds:

(a) Appointment of an emergency guardian is likely to prevent substantial harm to the adult's physical health, safety, or welfare;

(b) No other person appears to have authority and willingness to act in the circumstances; and

(c) There is reason to believe that a basis for appointment of a guardian under section 301 of this act exists.

(2) The duration of authority of an emergency guardian for an adult may not exceed sixty days, and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection (1) of this section continue.

(3) Immediately on filing of a petition for appointment of an emergency guardian for an adult, the court shall appoint an attorney to represent the respondent in the proceeding. Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on the petition must be given to the respondent, the respondent's attorney, and any other person the court determines.

(4) The court may appoint an emergency guardian for an adult without notice to the adult and any attorney for the adult only if the court finds from an affidavit or testimony that the respondent's physical health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without giving notice under subsection (3) of this section, the court must:

(a) Give notice of the appointment not later than forty-eight hours after the appointment to:

- (i) The respondent;
- (ii) The respondent's attorney; and
- (iii) Any other person the court determines; and

(b) Hold a hearing on the appropriateness of the appointment not later than five days after the appointment.

(5) Appointment of an emergency guardian under this section is not a determination that a basis exists for appointment of a guardian under section 301 of this act.

(6) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian shall make any report the court requires.

NEW SECTION. Sec. 313. DUTIES OF GUARDIAN FOR ADULT. (1) A guardian for an adult is a fiduciary and owes the highest duty of good faith and care to the person under a guardianship. The guardian shall not substitute his or her moral or religious values, opinions, or philosophical beliefs for those of the person under a guardianship. Except as otherwise limited by the court, a guardian for an adult shall make decisions regarding the support, care, education, health, and welfare of the adult subject to guardianship to the extent necessitated by the adult's limitations.

(2) A guardian for an adult shall promote the self-determination of the adult and, to the extent reasonably feasible, encourage the adult to participate in decisions, act on the adult's own behalf, and develop or regain the capacity to manage the adult's personal affairs. In furtherance of this duty, the guardian shall:

(a) Become or remain personally acquainted with the adult and maintain sufficient contact with the adult, including through regular visitation, to know the adult's abilities, limitations, needs, opportunities, and physical and mental health;

(b) To the extent reasonably feasible, identify the values and preferences of the adult and involve the adult in decisions affecting the adult, including decisions about the adult's care, dwelling, activities, or social interactions; and

(c) Make reasonable efforts to identify and facilitate supportive relationships and services for the adult.

(3) A guardian for an adult at all times shall exercise reasonable care, diligence, and prudence when acting on behalf of or making decisions for the adult. In furtherance of this duty, the guardian shall:

(a) Take reasonable care of the personal effects, pets, and service or support animals of the adult and bring a proceeding for a conservatorship or protective arrangement instead of conservatorship if necessary to protect the adult's property;

(b) Expend funds and other property of the adult received by the guardian for the adult's current needs for support, care, education, health, and welfare;

(c) Conserve any funds and other property of the adult not expended under (b) of this subsection for the adult's future needs, but if a conservator has been appointed for the adult, pay the funds and other property at least quarterly to the conservator to be conserved for the adult's future needs; and

(d) Monitor the quality of services, including long-term care services, provided to the adult.

(4) In making a decision for an adult subject to guardianship, the guardian shall make the decision the guardian reasonably believes the adult would make if the adult were able unless doing so would unreasonably harm or endanger the welfare or personal or financial interests of the adult. To determine the decision the adult subject to guardianship would make if able, the guardian shall consider the adult's previous or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the guardian.

(5) If a guardian for an adult cannot make a decision under subsection (4) of this section because the guardian does not know and cannot reasonably determine the decision the adult probably would make if able, or the guardian reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of the adult, the guardian shall act in accordance with the best interests of the adult. In determining the best interests of the adult, the guardian shall consider:

(a) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the adult;

(b) Other information the guardian believes the adult would have considered if the adult were able to act; and

(c) Other factors a reasonable person in the circumstances of the adult would consider, including consequences for others.

(6) A guardian for an adult immediately shall notify the court if the condition of the adult has changed so that the adult is capable of exercising rights previously removed.

(7) The guardian shall file with the court within thirty days of any substantial change in the condition of the person under guardianship or any changes in the residence of the person under guardianship and shall provide a copy of the notice to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court has determined is entitled to notice.

(8) To inform any person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court has determined is entitled to notice, but in no case more than five business days, after the person subject to guardianship:

(a) Makes a change in residence that is intended or likely to last more than fourteen calendar days;

(b) Has been admitted to a medical facility for acute care in response to a life-threatening injury or medical condition that requires inpatient care;

(c) Has been treated in an emergency room setting or kept for hospital observation for more than twenty-four hours; or

(d) Dies, in which case the notification must be made in person, by telephone, or by certified mail.

NEW SECTION. Sec. 314. POWERS OF GUARDIAN FOR ADULT. (1) Except as limited by court order, a guardian for an adult may:

(a) Apply for and receive funds and benefits for the support of the adult, unless a conservator is appointed for the adult and the application or receipt is within the powers of the conservator;

(b) Unless inconsistent with a court order, establish the adult's place of dwelling;

(c) Consent to health or other care, treatment, or service for the adult;

(d) If a conservator for the adult has not been appointed, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel another person to support the adult or pay funds for the adult's benefit;

(e) To the extent reasonable, delegate to the adult responsibility for a decision affecting the adult's well-being; and

(f) Receive personally identifiable health care information regarding the adult.

(2) The court by specific order may authorize a guardian for an adult to consent to the adoption of the adult.

(3) The court by specific order may authorize a guardian for an adult to:

(a) Consent or withhold consent to the marriage of the adult if the adult's right to marry has been removed under section 310 of this act;

(b) Petition for divorce, dissolution, or annulment of marriage of the adult or a declaration of invalidity of the adult's marriage; or

(c) Support or oppose a petition for divorce, dissolution, or annulment of marriage of the adult or a declaration of invalidity of the adult's marriage.

(4) In determining whether to authorize a power under subsection (2) or (3) of this section, the court shall

consider whether the underlying act would be in accordance with the adult's preferences, values, and prior directions and whether the underlying act would be in the adult's best interest.

(5) In exercising a guardian's power under subsection (1)(b) of this section to establish the adult's place of dwelling, the guardian shall:

(a) Select a residential setting the guardian believes the adult would select if the adult were able, in accordance with the decision-making standard in section 313 (4) and (5) of this act. If the guardian does not know and cannot reasonably determine what setting the adult subject to guardianship probably would choose if able, or the guardian reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of the adult, the guardian shall choose in accordance with section 313(5) of this act a residential setting that is consistent with the adult's best interest;

(b) In selecting among residential settings, give priority to a residential setting in a location that will allow the adult to interact with persons important to the adult and meet the adult's needs in the least restrictive manner reasonably feasible unless to do so would be inconsistent with the decision-making standard in section 313 (4) and (5) of this act;

(c) Not later than thirty days after a change in the dwelling of the adult:

(i) Give notice of the change to the court, the adult, and any person identified as entitled to the notice in the court order appointing the guardian or a subsequent order; and

(ii) Include in the notice the address and nature of the new dwelling and state whether the adult received advance notice of the change and whether the adult objected to the change;

(d) Establish or move the permanent place of dwelling of the adult to a nursing home, mental health facility, or other facility that places restrictions on the adult's ability to leave or have visitors only if:

(i) The establishment or move is in the guardian's plan under section 317 of this act;

(ii) The court authorizes the establishment or move; or

(iii) The guardian gives notice of the establishment or move at least fourteen days before the establishment or move to the adult and all persons entitled to notice under section 310(5)(b) of this act or a subsequent order, and no objection is filed;

(e) Establish or move the place of dwelling of the adult outside this state only if consistent with the guardian's plan and authorized by the court by specific order; and

(f) Take action that would result in the sale of or surrender of the lease to the primary dwelling of the adult only if:

(i) The action is specifically included in the guardian's plan under section 317 of this act;

(ii) The court authorizes the action by specific order;
or

(iii) Notice of the action was given at least fourteen days before the action to the adult and all persons entitled to the notice under section 310(5)(b) of this act or a subsequent order and no objection has been filed.

(6) In exercising a guardian's power under subsection (1)(c) of this section to make health care decisions, the guardian shall:

(a) Involve the adult in decision making to the extent reasonably feasible, including, when practicable, by encouraging and supporting the adult in understanding the risks and benefits of health care options;

(b) Defer to a decision by an agent under a power of attorney for health care executed by the adult and cooperate to the extent feasible with the agent making the decision; and

(c) Take into account:

(i) The risks and benefits of treatment options; and

(ii) The current and previous wishes and values of the adult, if known or reasonably ascertainable by the guardian.

(7) Notwithstanding subsection (1)(b) of this section no residential treatment facility which provides nursing or other care may detain a person within such facility against their will. Any court order, other than an order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, which purports to authorize such involuntary detention or purports to authorize a guardian or limited guardian to consent to such involuntary detention on behalf of an individual subject to a guardianship shall be void and of no force or effect. This section does not apply to the detention of a minor as provided in chapter 71.34 RCW.

(8) Nothing in this section shall be construed to require a court order authorizing placement of an incapacitated person in a residential treatment facility if such order is not otherwise required by law: PROVIDED, That notice of any residential placement of an individual subject to a guardianship shall be served, either before or after placement, by the guardian or limited guardian on such individual, any visitor of record, any guardian ad litem of record, and any attorney of record.

NEW SECTION. **Sec. 315.** SPECIAL LIMITATIONS ON GUARDIAN'S POWER. (1) Unless authorized by the court by specific order, a guardian for an adult does not have the power to revoke or amend a power of attorney for health care or power of attorney for finances executed by the adult. If a power of attorney for health care is in effect, unless there is a court order to the contrary, a health care decision of an agent takes precedence over that of the guardian and the guardian shall cooperate with the agent to the extent feasible. If a power of attorney for

finances is in effect, unless there is a court order to the contrary, a decision by the agent which the agent is authorized to make under the power of attorney for finances takes precedence over that of the guardian and the guardian shall cooperate with the agent to the extent feasible.

(2) A guardian for an adult may not initiate the commitment of the adult to an evaluation and treatment facility except in accordance with the state's procedure for involuntary civil commitment.

(3) Unless authorized by the court in accordance with subsection (4) of this section within the past thirty days, a guardian for an adult may not consent to any of the following procedures for the adult:

(a) Therapy or other procedure to induce convulsion;

(b) Surgery solely for the purpose of psychosurgery;

or

(c) Other psychiatric or mental health procedures that restrict physical freedom of movement or the rights set forth in RCW 71.05.217.

(4) The court may order a procedure listed in subsection (3) of this section only after giving notice to the adult's attorney and holding a hearing. If the adult does not have an attorney, the court must appoint an attorney for the adult prior to entering an order under this subsection.

(5) PERSONS UNDER A GUARDIANSHIP, CONSERVATORSHIP, OR OTHER PROTECTIVE ARRANGEMENTS—RIGHT TO ASSOCIATE WITH PERSONS OF THEIR CHOOSING.

(a) Except as otherwise provided in this section, a person under a guardianship retains the right to associate with persons of the person under a guardianship's choosing. This right includes, but is not limited to, the right to freely communicate and interact with other persons, whether through in-person visits, telephone calls, electronic communication, personal mail, or other means. If the person under a guardianship is unable to express consent for communication, visitation, or interaction with another person, or is otherwise unable to make a decision regarding association with another person, a guardian of a person under a guardianship, whether full or limited, must:

(i) Personally inform the person under a guardianship of the decision under consideration, using plain language, in a manner calculated to maximize the understanding of the person under a guardianship;

(ii) Maximize the person under a guardianship's participation in the decision-making process to the greatest extent possible, consistent with the person under a guardianship's abilities; and

(iii) Give substantial weight to the person under a guardianship's preferences, both expressed and historical.

(b) A guardian or limited guardian may not restrict a person under a guardianship's right to communicate, visit, interact, or otherwise associate with persons of the person under a guardianship's choosing, unless:

(i) The restriction is specifically authorized by the guardianship court in the court order establishing or modifying the guardianship or limited guardianship under chapter 11.--- RCW (the new chapter created in section 806 of this act);

(ii) The restriction is pursuant to a protection order issued under chapter 74.34 RCW, chapter 26.50 RCW, or other law, that limits contact between the person under a guardianship and other persons;

(iii)(A) The guardian or limited guardian has good cause to believe that there is an immediate need to restrict a person under a guardianship's right to communicate, visit, interact, or otherwise associate with persons of the person under a guardianship's choosing in order to protect the person under a guardianship from abuse, neglect, abandonment, or financial exploitation, as those terms are defined in RCW 74.34.020, or to protect the person under a guardianship from activities that unnecessarily impose significant distress on the person under a guardianship; and

(B) Within fourteen calendar days of imposing the restriction under (b)(iii)(A) of this subsection, the guardian or limited guardian files a petition for a protection order under chapter 74.34 RCW. The immediate need restriction may remain in place until the court has heard and issued an order or decision on the petition; or

(iv) The restriction is pursuant to participation in the community protection program under chapter 71A.12 RCW.

(6) A protection order under chapter 74.34 RCW issued to protect the person under a guardianship as described in subsection (5)(b)(iii)(B) of this section:

(a) Must include written findings of fact and conclusions of law;

(b) May not be more restrictive than necessary to protect the person under a guardianship from abuse, neglect, abandonment, or financial exploitation as those terms are defined in RCW 74.34.020; and

(c) May not deny communication, visitation, interaction, or other association between the person under a guardianship and another person unless the court finds that placing reasonable time, place, or manner restrictions is unlikely to sufficiently protect the person under a guardianship from abuse, neglect, abandonment, or financial exploitation as those terms are defined in RCW 74.34.020.

Sec. 316. RCW 11.125.080 and 2016 c 209 s 108 are each amended to read as follows:

(1) In a power of attorney, a principal may nominate a guardian of the principal's estate or guardian of the principal's person for consideration by the court if protective proceedings for the principal's estate or person are begun after the principal executes the power of attorney. Except for good cause shown or disqualification, the court shall make its appointment in accordance with the principal's most recent nomination.

(2) If, after a principal executes a power of attorney, a court appoints a guardian of the principal's estate or other fiduciary charged with the management of all of the principal's property, the power of attorney ~~((is terminated and the agent's authority does not continue unless continued by the court))~~ remains in effect subject to the provisions of section 315(1) of this act.

(3) If, after a principal executes a power of attorney, a court appoints a guardian of the principal's estate or other fiduciary charged with the management of some but not all of the principal's property, the power of attorney shall not terminate or be modified, except to the extent ordered by the court.

NEW SECTION. Sec. 317. GUARDIAN'S PLAN.

(1) A guardian for an adult, not later than ninety days after appointment, shall file with the court a plan for the care of the adult and shall provide a copy of the plan to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines. The plan must be based on the needs of the adult and take into account the best interest of the adult as well as the adult's preferences, values, and prior directions, to the extent known to or reasonably ascertainable by the guardian. The guardian shall include in the plan:

(a) The living arrangement, services, and supports the guardian expects to arrange, facilitate, or continue for the adult;

(b) Social and educational activities the guardian expects to facilitate on behalf of the adult;

(c) Any person with whom the adult has a close personal relationship or relationship involving regular visitation and any plan the guardian has for facilitating visits with the person;

(d) The anticipated nature and frequency of the guardian's visits and communication with the adult;

(e) Goals for the adult, including any goal related to the restoration of the adult's rights, and how the guardian anticipates achieving the goals;

(f) Whether the adult has an existing plan and, if so, whether the guardian's plan is consistent with the adult's plan; and

(g) A statement or list of the amount the guardian proposes to charge for each service the guardian anticipates providing to the adult.

(2) A guardian shall give notice of the filing of the guardian's plan under subsection (1) of this section, together with a copy of the plan, to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines. The notice must include a statement of the right to object to the plan and be given not later than fourteen days after the filing.

(3) An adult subject to guardianship and any person entitled under subsection (2) of this section to receive notice and a copy of the guardian's plan may object to the plan.

(4) The court shall review the guardian's plan filed under subsection (1) of this section and determine whether to approve the plan or require a new plan. In deciding whether to approve the plan, the court shall consider an objection under subsection (3) of this section and whether the plan is consistent with the guardian's duties and powers under sections 313 and 314 of this act. The court may not approve the plan until thirty days after its filing.

(5) After the guardian's plan filed under this section is approved by the court, the guardian shall provide a copy of the order approving the plan to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines.

NEW SECTION. Sec. 318. GUARDIAN'S REPORT—MONITORING OF GUARDIANSHIP. (1) A guardian for an adult shall file with the court by the date established by the court a report in a record regarding the condition of the adult and accounting for funds and other property in the guardian's possession or subject to the guardian's control. The guardian shall provide a copy of the report to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines.

(2) A report under subsection (1) of this section must state or contain:

(a) The mental, physical, and social condition of the adult;

(b) The living arrangements of the adult during the reporting period;

(c) A summary of the supported decision making, technological assistance, medical services, educational and vocational services, and other supports and services provided to the adult and the guardian's opinion as to the adequacy of the adult's care;

(d) A summary of the guardian's visits with the adult, including the dates of the visits;

(e) Action taken on behalf of the adult;

(f) The extent to which the adult has participated in decision making;

(g) If the adult is living in an evaluation and treatment facility or living in a facility that provides the adult with health care or other personal services, whether the guardian considers the facility's current plan for support, care, treatment, or habilitation consistent with the adult's preferences, values, prior directions, and best interests;

(h) Anything of more than de minimis value which the guardian, any individual who resides with the guardian, or the spouse, domestic partner, parent, child, or sibling of the guardian has received from an individual providing goods or services to the adult. A professional guardian must

abide by the standards of practice regarding the acceptance of gifts;

(i) If the guardian delegated a power to an agent, the power delegated and the reason for the delegation;

(j) Any business relation the guardian has with a person the guardian has paid or that has benefited from the property of the adult;

(k) A copy of the guardian's most recently approved plan under section 317 of this act and a statement whether the guardian has deviated from the plan and, if so, how the guardian has deviated and why;

(l) Plans for future care and support of the adult;

(m) A recommendation as to the need for continued guardianship and any recommended change in the scope of the guardianship; and

(n) Whether any co-guardian or successor guardian appointed to serve when a designated event occurs is alive and able to serve.

(3) The court may appoint a visitor to review a report submitted under this section or a guardian's plan submitted under section 317 of this act, interview the guardian or adult subject to guardianship, or investigate any other matter involving the guardianship.

(4) Notice of the filing under this section of a guardian's report, together with a copy of the report, must be given to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines. The notice and report must be given not later than fourteen days after the filing.

(5) The court shall establish procedures for monitoring a report submitted under this section and review each report to determine whether:

(a) The report provides sufficient information to establish the guardian has complied with the guardian's duties;

(b) The guardianship should continue; and

(c) The guardian's requested fees, if any, should be approved.

(6) If the court determines there is reason to believe a guardian for an adult has not complied with the guardian's duties or the guardianship should be modified or terminated, the court:

(a) Shall notify the adult, the guardian, and any other person entitled to notice under section 310(5) of this act or a subsequent order;

(b) May require additional information from the guardian;

(c) May appoint a visitor to interview the adult or guardian or investigate any matter involving the guardianship; and

(d) Consistent with sections 318 and 319 of this act, may hold a hearing to consider removal of the guardian, termination of the guardianship, or a change in the powers granted to the guardian or terms of the guardianship.

(7) If the court has reason to believe fees requested by a guardian for an adult are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(8) A guardian for an adult must petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

(9) If the court approves a report filed under this section, the order approving the report shall set the due date for the filing of the next report to be filed under this section. The court may set the review interval at annual, biennial, or triennial with the report due date to be within ninety days of the anniversary date of appointment. When determining the report interval, the court can consider: The length of time the guardian has been serving the person under guardianship; whether the guardian has timely filed all required reports with the court; whether the guardian is monitored by other state or local agencies; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the guardian.

(10) If the court approves a report filed under this section, the order approving the report shall contain a guardianship summary or be accompanied by a guardianship summary in the form or substantially in the same form as set forth in section 606 of this act.

(11) If the court approves a report filed under this section, the order approving the report shall direct the clerk of the court to reissue letters of office in the form or substantially in the same form as set forth in section 605 of this act to the guardian containing an expiration date which will be within one hundred twenty days after the date the court directs the guardian file its next report.

(12) Any requirement to establish a monitoring program under this section is subject to appropriation.

NEW SECTION. Sec. 319. REMOVAL OF GUARDIAN FOR ADULT—APPOINTMENT OF SUCCESSOR. (1) The court may remove a guardian for an adult for failure to perform the guardian's duties or for other good cause and appoint a successor guardian to assume the duties of guardian.

(2) The court shall hold a hearing to determine whether to remove a guardian for an adult and appoint a successor guardian on:

(a) Petition of the adult, guardian, or person interested in the welfare of the adult, which contains allegations that, if true, would support a reasonable belief that removal of the guardian and appointment of a successor guardian may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed during the preceding six months;

(b) Communication from the adult, guardian, or person interested in the welfare of the adult which supports a reasonable belief that removal of the guardian and appointment of a successor guardian may be appropriate; or

(c) Determination by the court that a hearing would be in the best interest of the adult.

(3) Notice of a hearing under subsection (2)(a) of this section and notice of the adult subject to guardianship's right to be represented at the hearing by counsel of the individual's choosing must be given to the adult subject to guardianship, the guardian, and any other person the court determines.

(4) An adult subject to guardianship who seeks to remove the guardian and have a successor guardian appointed has the right to choose an attorney to represent the adult in this matter. The court shall award reasonable attorneys' fees to the attorney for the adult as provided in section 120 of this act.

(5) In selecting a successor guardian for an adult, the court shall follow the priorities under section 309 of this act.

(6) Not later than fourteen days after appointing a successor guardian, the successor guardian shall give notice of the appointment to the adult subject to guardianship and any person entitled to notice under section 310(5) of this act or a subsequent order.

NEW SECTION. Sec. 320. TERMINATION OR MODIFICATION OF GUARDIANSHIP FOR ADULT. (1) An adult subject to guardianship, the guardian for the adult, or a person interested in the welfare of the adult may petition for:

(a) Termination of the guardianship on the ground that a basis for appointment under section 301 of this act does not exist or termination would be in the best interest of the adult or for other good cause; or

(b) Modification of the guardianship on the ground that the extent of protection or assistance granted is not appropriate or for other good cause.

(2) The court shall hold a hearing to determine whether termination or modification of a guardianship for an adult is appropriate on:

(a) Petition under subsection (1) of this section that contains allegations that, if true, would support a reasonable belief that termination or modification of the guardianship may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed during the preceding six months;

(b) Communication from the adult, guardian, or person interested in the welfare of the adult which supports a reasonable belief that termination or modification of the guardianship may be appropriate, including because the functional needs of the adult or supports or services available to the adult have changed;

(c) A report from a guardian or conservator which indicates that termination or modification may be

appropriate because the functional needs of the adult or supports or services available to the adult have changed or a protective arrangement instead of guardianship or other less restrictive alternative for meeting the adult's needs is available; or

(d) A determination by the court that a hearing would be in the best interest of the adult.

(3) Notice of a petition under subsection (2)(a) of this section must be given to the adult subject to guardianship, the guardian, and any other person the court determines.

(4) On presentation of prima facie evidence for termination of a guardianship for an adult, the court shall order termination unless it is proven that a basis for appointment of a guardian under section 301 of this act exists.

(5) The court shall modify the powers granted to a guardian for an adult if the powers are excessive or inadequate due to a change in the abilities or limitations of the adult, the adult's supports, or other circumstances.

(6) Unless the court otherwise orders for good cause, before terminating or modifying a guardianship for an adult, the court shall follow the same procedures to safeguard the rights of the adult which apply to a petition for guardianship.

(7) An adult subject to guardianship who seeks to terminate or modify the terms of the guardianship has the right to choose an attorney to represent the adult in the matter. The court shall award reasonable attorneys' fees to the attorney for the adult as provided in section 120 of this act.

ARTICLE 4

CONSERVATORSHIP

NEW SECTION. **Sec. 401.** BASIS FOR APPOINTMENT OF CONSERVATOR. (1) On petition and after notice and hearing, the court may appoint a conservator for the property or financial affairs of a minor if the court finds by a preponderance of evidence that appointment of a conservator is in the minor's best interest, and:

(a) If the minor has a parent, the court gives weight to any recommendation of the parent whether an appointment is in the minor's best interest; and

(b) Either:

(i) The minor owns funds or other property requiring management or protection that otherwise cannot be provided;

(ii) The minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or

(iii) Appointment is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the minor.

(2) On petition and after notice and hearing, the court may appoint a conservator for the property or financial affairs of an adult if the court finds by clear and convincing evidence that:

(a) The adult is unable to manage property or financial affairs because:

(i) Of a limitation in the adult's ability to receive and evaluate information or make or communicate decisions, even with the use of appropriate supportive services, technological assistance, or supported decision making; or

(ii) The adult is missing, detained, or unable to return to the United States;

(b) Appointment is necessary to:

(i) Avoid harm to the adult or significant dissipation of the property of the adult; or

(ii) Obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult or of an individual entitled to the adult's support; and

(c) The respondent's identified needs cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternatives.

(3) The court shall grant a conservator only those powers necessitated by demonstrated limitations and needs of the respondent and issue orders that will encourage development of the respondent's maximum self-determination and independence. The court may not establish a full conservatorship if a limited conservatorship, protective arrangement instead of conservatorship, or other less restrictive alternative would meet the needs of the respondent.

NEW SECTION. **Sec. 402.** PETITION FOR APPOINTMENT OF CONSERVATOR. (1) The following may petition for the appointment of a conservator:

(a) The individual for whom the order is sought;

(b) A person interested in the estate, financial affairs, or welfare of the individual, including a person that would be adversely affected by lack of effective management of property or financial affairs of the individual; or

(c) The guardian for the individual.

(2) A petition under subsection (1) of this section must state the petitioner's name, principal residence, current street address, if different, relationship to the respondent, interest in the appointment, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

(a) The respondent's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(b) The name and address of the respondent's:

(i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period before the filing of the petition;

(ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship during the two years immediately before the filing of the petition;

(c) The name and current address of each of the following, if applicable:

(i) A person responsible for the care or custody of the respondent;

(ii) Any attorney currently representing the respondent;

(iii) The representative payee appointed by the social security administration for the respondent;

(iv) A guardian or conservator acting for the respondent in this state or another jurisdiction;

(v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(vi) The fiduciary appointed for the respondent by the department of veterans affairs;

(vii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(viii) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(ix) A person known to have routinely assisted the respondent with decision making in the six-month period immediately before the filing of the petition;

(x) Any proposed conservator, including a person nominated by the respondent, if the respondent is twelve years of age or older; and

(xi) If the individual for whom a conservator is sought is a minor:

(A) An adult not otherwise listed with whom the minor resides; and

(B) Each person not otherwise listed that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;

(d) A general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts;

(e) The reason conservatorship is necessary, including a brief description of:

(i) The nature and extent of the respondent's alleged need;

(ii) If the petition alleges the respondent is missing, detained, or unable to return to the United States, the relevant circumstances, including the time and nature of the disappearance or detention and any search or inquiry concerning the respondent's whereabouts;

(iii) Any protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's alleged need which has been considered or implemented;

(iv) If no protective arrangement or other less restrictive alternatives have been considered or implemented, the reason it has not been considered or implemented; and

(v) The reason a protective arrangement or other less restrictive alternative is insufficient to meet the respondent's need;

(f) Whether the petitioner seeks a limited conservatorship or a full conservatorship;

(g) If the petitioner seeks a full conservatorship, the reason a limited conservatorship or protective arrangement instead of conservatorship is not appropriate;

(h) If the petition includes the name of a proposed conservator, the reason the proposed conservator should be appointed;

(i) If the petition is for a limited conservatorship, a description of the property to be placed under the conservator's control and any requested limitation on the authority of the conservator;

(j) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings; and

(k) The name and address of an attorney representing the petitioner, if any.

NEW SECTION. Sec. 403. NOTICE AND HEARING FOR APPOINTMENT OF CONSERVATOR.

(1) All petitions filed under section 402 of this act for appointment of a conservator shall be heard within sixty days unless an extension of time is requested by a party or the visitor within such sixty-day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

(2) A copy of a petition under section 402 of this act and notice of a hearing on the petition must be served personally on the respondent and the visitor appointed under section 405 of this act not more than five court days after the petition under section 402 of this act has been filed. If the respondent's whereabouts are unknown or personal service cannot be made, service on the respondent must be made by

publication. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition. The court may not grant a petition for appointment of a conservator if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under section 402 of this act, the notice required under subsection (2) of this section must be given to the persons required to be listed in the petition under section 402(2) (a) through (c) of this act and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from appointing a conservator.

(4) After the appointment of a conservator, notice of a hearing on a petition for an order under this article, together with a copy of the petition, must be given to:

(a) The individual subject to conservatorship, if the individual is twelve years of age or older and not missing, detained, or unable to return to the United States;

(b) The conservator; and

(c) Any other person the court determines.

NEW SECTION. Sec. 404. ORDER TO PRESERVE OR APPLY PROPERTY WHILE PROCEEDING PENDING. While a petition under section 402 of this act is pending, after preliminary hearing and without notice to others, the court may issue an order to preserve and apply property of the respondent as required for the support of the respondent or an individual who is in fact dependent on the respondent. The court may appoint a special agent to assist in implementing the order.

NEW SECTION. Sec. 405. APPOINTMENT AND ROLE OF VISITOR. (1) If the respondent in a proceeding to appoint a conservator is a minor, the court may appoint a visitor to investigate a matter related to the petition or inform the minor or a parent of the minor about the petition or a related matter.

(2) If the respondent in a proceeding to appoint a conservator is an adult, the court shall appoint a visitor. The duties and reporting requirements of the visitor are limited to the relief requested in the petition. The visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(3) The court, in the order appointing visitor, shall specify the hourly rate the visitor may charge for his or her services, and shall specify the maximum amount the visitor may charge without additional court review and approval.

(4)(a) The visitor appointed under subsection (1) or (2) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or

her legal counsel, and any interested party entitled to notice under section 116 of this act with a statement including: His or her training relating to the duties as a visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the visitor should not be removed for one of the following three reasons:

(i) Lack of expertise necessary for the proceeding;

(ii) An hourly rate higher than what is reasonable for the particular proceeding; or

(iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the visitor and all parties. If, after a hearing, the court enters an order replacing the visitor, findings shall be included, expressly stating the reasons for the removal. If the visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(5) A visitor appointed under subsection (2) of this section for an adult shall interview the respondent in person and in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the general powers and duties of a conservator;

(b) Determine the respondent's views about the appointment sought by the petitioner, including views about a proposed conservator, the conservator's proposed powers and duties, and the scope and duration of the proposed conservatorship; and

(c) Inform the respondent that all costs and expenses of the proceeding, including respondent's attorneys' fees, may be paid from the respondent's assets.

(6) A visitor appointed under subsection (2) of this section for an adult shall:

(a) Interview the petitioner and proposed conservator, if any;

(b) Review financial records of the respondent, if relevant to the visitor's recommendation under subsection (7)(b) of this section;

(c) Investigate whether the respondent's needs could be met by a protective arrangement instead of conservatorship or other less restrictive alternative and, if so, identify the arrangement or other less restrictive alternative; and

(d) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(7) A visitor appointed under subsection (2) of this section for an adult shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under section 116 of this act at least fifteen days prior to the hearing on the petition filed under section 402 of this act, which must include:

(a) A recommendation:

(i) Regarding the appropriateness of conservatorship, or whether a protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's needs is available;

(ii) If a conservatorship is recommended, whether it should be full or limited;

(iii) If a limited conservatorship is recommended, the powers to be granted to the conservator, and the property that should be placed under the conservator's control; and

(iv) If a conservatorship is recommended, the amount of the bond or other verified receipt needed under sections 416 and 417 of this act;

(b) A statement of the qualifications of the proposed conservator and whether the respondent approves or disapproves of the proposed conservator;

(c) A recommendation whether a professional evaluation under section 407 of this act is necessary;

(d) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(e) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(f) Any other matter the court directs.

NEW SECTION. Sec. 406. APPOINTMENT AND ROLE OF ATTORNEY. (1)(a) The respondent shall have the right to be represented by a willing attorney of their choosing at any stage in conservatorship proceedings.

(b) Unless the respondent in a proceeding for appointment of a conservator is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay, except as provided otherwise in (c) of this subsection.

(c)(i) The court must appoint an attorney to represent the respondent at public expense when either:

(A) The respondent is unable to afford an attorney;

(B) The expense of an attorney would result in substantial hardship to the respondent; or

(C) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the

court must provide an attorney and may impose a reimbursement requirement as part of a final order.

(ii) When, in the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented, the court on its own motion must appoint an attorney at any time to represent the respondent.

(iii) An attorney must be provided under this subsection (1)(c) as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks is presumed by a reviewing court to be inadequate time for consultation and preparation.

(2) An attorney representing the respondent in a proceeding for appointment of a conservator shall:

(a) Make reasonable efforts to ascertain the respondent's wishes;

(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and

(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests.

(3) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under section 402 of this act if:

(a) The parent objects to appointment of a conservator;

(b) The court determines that counsel is needed to ensure that consent to appointment of a conservator is informed; or

(c) The court otherwise determines the parent needs representation.

NEW SECTION. Sec. 407. PROFESSIONAL EVALUATION. (1) At or before a hearing on a petition for conservatorship for an adult, the court shall order a professional evaluation of the respondent:

(a) If the respondent requests the evaluation; or

(b) In other cases, unless the court finds it has sufficient information to determine the respondent's needs and abilities without the evaluation.

(2) If the court orders an evaluation under subsection (1) of this section, the respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, or advanced registered nurse practitioner licensed under chapter 18.79 RCW selected by the visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. The individual conducting the evaluation promptly shall file a report in a

record with the court. Unless otherwise directed by the court, the report must contain:

(a) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations with regard to the management of the respondent's property and financial affairs;

(b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;

(c) A prognosis for improvement with regard to the ability to manage the respondent's property and financial affairs; and

(d) The date of the examination on which the report is based.

(3) A respondent may decline to participate in an evaluation ordered under subsection (1) of this section.

NEW SECTION. Sec. 408. ATTENDANCE AND RIGHTS AT HEARING. (1) Except as otherwise provided in subsection (2) of this section, a hearing under section 403 of this act may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(2) A hearing under section 403 of this act may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

(a) The respondent consistently and repeatedly has refused to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so;

(b) There is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services or technological assistance; or

(c) The respondent is a minor who has received proper notice and attendance would be harmful to the minor.

(3) The respondent may be assisted in a hearing under section 403 of this act by a person or persons of the respondent's choosing, assistive technology, or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(4) The respondent has a right to choose an attorney to represent the respondent at a hearing under section 403 of this act.

(5) At a hearing under section 403 of this act, the respondent may:

(a) Present evidence and subpoena witnesses and documents;

(b) Examine witnesses, including any court-appointed evaluator and the visitor; and

(c) Otherwise participate in the hearing.

(6) Unless excused by the court for good cause, a proposed conservator shall attend a hearing under section 403 of this act.

(7) A hearing under section 403 of this act must be closed on request of the respondent and a showing of good cause.

(8) Any person may request to participate in a hearing under section 403 of this act. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.

NEW SECTION. Sec. 409. CONFIDENTIALITY OF RECORDS. (1) The existence of a proceeding for or the existence of conservatorship is a matter of public record unless the court seals the record after:

(a) The respondent, the individual subject to conservatorship, or the parent of a minor subject to conservatorship requests the record be sealed; and

(b) Either:

(i) The petition for conservatorship is dismissed; or

(ii) The conservatorship is terminated.

(2) An individual subject to a proceeding for a conservatorship, whether or not a conservator is appointed, an attorney designated by the individual, and a person entitled to notice under section 411(6) of this act or a subsequent order may access court records of the proceeding and resulting conservatorship, including the conservator's plan under section 419 of this act and the conservator's report under section 423 of this act. A person not otherwise entitled access to court records under this section for good cause may petition the court for access to court records of the conservatorship, including the conservator's plan and report. The court shall grant access if access is in the best interest of the respondent or individual subject to conservatorship or furthers the public interest and does not endanger the welfare or financial interests of the respondent or individual.

(3) A report under section 405 of this act of a visitor or professional evaluation under section 407 of this act is confidential and must be sealed on filing, but is available to:

(a) The court;

(b) The individual who is the subject of the report or evaluation, without limitation as to use;

(c) The petitioner, visitor, and petitioner's and respondent's attorneys, for purposes of the proceeding;

(d) Unless the court directs otherwise, an agent appointed under a power of attorney for finances in which the respondent is identified as the principal; and

(e) Any other person if it is in the public interest or for a purpose the court orders for good cause.

NEW SECTION. Sec. 410. WHO MAY BE CONSERVATOR—ORDER OF PRIORITY. (1) Except as otherwise provided in subsection (3) of this section, the court in appointing a conservator shall consider persons qualified to be a conservator in the following order of priority:

(a) A conservator, other than a temporary or emergency conservator, currently acting for the respondent in another jurisdiction;

(b) A person nominated as conservator by the respondent, including the respondent's most recent nomination made in a power of attorney for finances;

(c) An agent appointed by the respondent to manage the respondent's property under a power of attorney for finances;

(d) A spouse or domestic partner of the respondent;

(e) A relative or other individual who has shown special care and concern for the respondent; and

(f) A certified professional guardian or conservator or other entity the court determines is suitable.

(2) If two or more persons have equal priority under subsection (1) of this section, the court shall select as conservator the person the court considers best qualified. In determining the best qualified person, the court shall consider the person's relationship with the respondent, the person's skills, the expressed wishes of the respondent, the extent to which the person and the respondent have similar values and preferences, and the likelihood the person will be able to perform the duties of a conservator successfully.

(3) The court, acting in the best interest of the respondent, may decline to appoint as conservator a person having priority under subsection (1) of this section and appoint a person having a lower priority or no priority.

(4) A person that provides paid services to the respondent, or an individual who is employed by a person that provides paid services to the respondent or is the spouse, domestic partner, parent, or child of an individual who provides or is employed to provide paid services to the respondent, may not be appointed as conservator unless:

(a) The individual is related to the respondent by blood, marriage, or adoption; or

(b) The court finds by clear and convincing evidence that the person is the best qualified person available for appointment and the appointment is in the best interest of the respondent.

(5) An owner, operator, or employee of a long-term care facility at which the respondent is receiving care may not be appointed as conservator unless the owner, operator, or employee is related to the respondent by blood, marriage, or adoption.

NEW SECTION. Sec. 411. ORDER OF APPOINTMENT OF CONSERVATOR. (1) A court order appointing a conservator for a minor must include findings to support appointment of a conservator and, if a full conservatorship is granted, the reason a limited conservatorship would not meet the identified needs of the minor.

(2) A court order appointing a conservator for a minor may dispense with the requirement for the conservator to file reports with the court under section 423 of this act if all the property of the minor subject to the conservatorship is protected by a verified receipt.

(3) A court order appointing a conservator for an adult must:

(a) Include a specific finding that clear and convincing evidence has established that the identified needs of the respondent cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternatives, including use of appropriate supportive services, technological assistance, or supported decision making; and

(b) Include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition.

(4) A court order establishing a full conservatorship for an adult must state the basis for granting a full conservatorship and include specific findings to support the conclusion that a limited conservatorship would not meet the functional needs of the adult.

(5) A court order establishing a limited conservatorship must state the specific property placed under the control of the conservator and the powers granted to the conservator.

(6) The court, as part of an order establishing a conservatorship, shall identify any person that subsequently is entitled to:

(a) Notice of the rights of the individual subject to conservatorship under section 412(2) of this act;

(b) Notice of a sale of or surrender of a lease to the primary dwelling of the individual;

(c) Notice that the conservator has delegated a power that requires court approval under section 414 of this act or substantially all powers of the conservator;

(d) Notice that the conservator will be unavailable to perform the conservator's duties for more than one month;

(e) A copy of the conservator's plan under section 419 of this act and the conservator's report under section 423 of this act;

(f) Access to court records relating to the conservatorship;

(g) Notice of a transaction involving a substantial conflict between the conservator's fiduciary duties and personal interests;

(h) Notice of the death or significant change in the condition of the individual;

(i) Notice that the court has limited or modified the powers of the conservator; and

(j) Notice of the removal of the conservator.

(7) If an individual subject to conservatorship is an adult, the spouse, domestic partner, and adult children of the adult subject to conservatorship are entitled under subsection (6) of this section to notice unless the court determines notice would be contrary to the preferences or prior directions of the adult subject to conservatorship or not in the best interest of the adult.

(8) If an individual subject to conservatorship is a minor, each parent and adult sibling of the minor is entitled under subsection (6) of this section to notice unless the court determines notice would not be in the best interest of the minor.

(9) All orders establishing a conservatorship for an adult must contain:

(a) A conservatorship summary placed directly below the case caption or on a separate cover page in the form or substantially the same form as set forth in section 606 of this act;

(b) The date which the limited conservator or conservator must file the conservator's plan under section 419 of this act;

(c) The date which the limited conservator or conservator must file an inventory under section 420 of this act;

(d) The date by which the court will review the conservator's plan as required by section 419 of this act;

(e) The report interval which the conservator must file its report under section 423 of this act. The report interval may be annual, biennial, or triennial;

(f) The date the limited conservator or conservator must file its report under section 423 of this act. The due date of the filing of the report shall be within ninety days after the anniversary date of the appointment;

(g) The date for the court to review the report under section 423 of this act and enter its order. The court shall conduct the review within one hundred twenty days after the anniversary date of the appointment.

NEW SECTION. Sec. 412. NOTICE OF ORDER OF APPOINTMENT—RIGHTS. (1) A conservator appointed under section 411 of this act shall give to the individual subject to conservatorship and to all other persons given notice under section 403 of this act a copy of the order of appointment, together with notice of the right to request termination or modification. The order and notice must be given not later than fourteen days after the appointment.

(2) Not later than thirty days after appointment of a conservator under section 411 of this act, the conservator shall give to the individual subject to conservatorship and

any other person entitled to notice under section 411(6) of this act a statement of the rights of the individual subject to conservatorship and procedures to seek relief if the individual is denied those rights. The statement must be in plain language, in at least sixteen-point font, and to the extent feasible, in a language in which the individual subject to conservatorship is proficient. The statement must notify the individual subject to conservatorship of the right to:

(a) Seek termination or modification of the conservatorship, or removal of the conservator, and choose an attorney to represent the individual in these matters;

(b) Participate in decision making to the extent reasonably feasible;

(c) Receive a copy of the conservator's plan under section 419 of this act, the conservator's inventory under section 420 of this act, and the conservator's report under section 423 of this act; and

(d) Object to the conservator's inventory, plan, or report.

(3) If a conservator is appointed for the reasons stated in section 401(2)(a)(ii) of this act and the individual subject to conservatorship is missing, notice under this section to the individual is not required.

NEW SECTION. Sec. 413. EMERGENCY CONSERVATOR. (1) On its own or on petition by a person interested in an individual's welfare after a petition has been filed under section 402 of this act, the court may appoint an emergency conservator for the individual if the court finds:

(a) Appointment of an emergency conservator is likely to prevent substantial and irreparable harm to the individual's property or financial interests;

(b) No other person appears to have authority and willingness to act in the circumstances; and

(c) There is reason to believe that a basis for appointment of a conservator under section 401 of this act exists.

(2) The duration of authority of an emergency conservator may not exceed sixty days and the emergency conservator may exercise only the powers specified in the order of appointment. The emergency conservator's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency conservator under subsection (1) of this section continue.

(3) Immediately on filing of a petition for an emergency conservator, the court shall appoint an attorney to represent the respondent in the proceeding. Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on the petition must be given to the respondent, the respondent's attorney, and any other person the court determines.

(4) The court may appoint an emergency conservator without notice to the respondent and any attorney for the respondent only if the court finds from an

affidavit or testimony that the respondent's property or financial interests will be substantially and irreparably harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency conservator without giving notice under subsection (3) of this section, the court must give notice of the appointment not later than forty-eight hours after the appointment to:

- (a) The respondent;
- (b) The respondent's attorney; and
- (c) Any other person the court determines.

(5) Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.

(6) Appointment of an emergency conservator under this section is not a determination that a basis exists for appointment of a conservator under section 401 of this act.

(7) The court may remove an emergency conservator appointed under this section at any time. The emergency conservator shall make any report the court requires.

NEW SECTION. Sec. 414. POWERS OF CONSERVATOR REQUIRING COURT APPROVAL. (1) Except as otherwise ordered by the court, a conservator must give notice to persons entitled to notice under section 403(4) of this act and receive specific authorization by the court before the conservator may exercise with respect to the conservatorship the power to:

- (a) Make a gift, except a gift of de minimis value;
- (b) Sell, encumber an interest in, or surrender a lease to the primary dwelling of the individual subject to conservatorship;
- (c) Convey, release, or disclaim a contingent or expectant interest in property, including marital property and any right of survivorship incident to joint tenancy or tenancy by the entireties;
- (d) Exercise or release a power of appointment;
- (e) Create a revocable or irrevocable trust of property of the conservatorship estate, whether or not the trust extends beyond the duration of the conservatorship, or revoke or amend a trust revocable by the individual subject to conservatorship;
- (f) Exercise a right to elect an option or change a beneficiary under an insurance policy or annuity or surrender the policy or annuity for its cash value;
- (g) Exercise a right to an elective share in the estate of a deceased spouse or domestic partner of the individual subject to conservatorship or renounce or disclaim a property interest;

(h) Grant a creditor priority for payment over creditors of the same or higher class if the creditor is providing property or services used to meet the basic living and care needs of the individual subject to conservatorship

and preferential treatment otherwise would be impermissible under section 428(5) of this act; and

(i) Make, modify, amend, or revoke the will of the individual subject to conservatorship in compliance with chapter 11.12 RCW.

(2) In approving a conservator's exercise of a power listed in subsection (1) of this section, the court shall consider primarily the decision the individual subject to conservatorship would make if able, to the extent the decision can be ascertained.

(3) To determine under subsection (2) of this section the decision the individual subject to conservatorship would make if able, the court shall consider the individual's prior or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the conservator. The court also shall consider:

- (a) The financial needs of the individual subject to conservatorship and individuals who are in fact dependent on the individual subject to conservatorship for support, and the interests of creditors of the individual;
- (b) Possible reduction of income, estate, inheritance, or other tax liabilities;
- (c) Eligibility for governmental assistance;
- (d) The previous pattern of giving or level of support provided by the individual;
- (e) Any existing estate plan or lack of estate plan of the individual;
- (f) The life expectancy of the individual and the probability the conservatorship will terminate before the individual's death; and
- (g) Any other relevant factor.

(4) A conservator may not revoke or amend a power of attorney for finances executed by the individual subject to conservatorship. If a power of attorney for finances is in effect, a decision of the agent takes precedence over that of the conservator, unless the court orders otherwise.

NEW SECTION. Sec. 415. PETITION FOR ORDER AFTER APPOINTMENT. An individual subject to conservatorship or a person interested in the welfare of the individual may petition for an order:

- (1) Requiring the conservator to furnish a bond or collateral or additional bond or collateral or allowing a reduction in a bond or collateral previously furnished;
- (2) Requiring an accounting for the administration of the conservatorship estate;
- (3) Directing distribution;
- (4) Removing the conservator and appointing a temporary or successor conservator;
- (5) Modifying the type of appointment or powers granted to the conservator, if the extent of protection or

management previously granted is excessive or insufficient to meet the individual's needs, including because the individual's abilities or supports have changed;

(6) Rejecting or modifying the conservator's plan under section 419 of this act, the conservator's inventory under section 420 of this act, or the conservator's report under section 423 of this act; or

(7) Granting other appropriate relief.

NEW SECTION. Sec. 416. BOND—
ALTERNATIVE VERIFIED RECEIPT. (1) Except as otherwise provided in subsections (3) and (4) of this section, the court shall require a conservator to furnish a bond with a surety the court specifies, or require a verified receipt, conditioned on faithful discharge of all duties of the conservator. The court may waive the requirement only if the court finds that a bond or other verified receipt is not necessary to protect the interests of the individual subject to conservatorship. Except as otherwise provided in subsections (3) and (4) of this section, the court may not waive the requirement if the conservator is in the business of serving as a conservator and is being paid for the conservator's service.

(2) Unless the court directs otherwise, the bond required under this section must be in the amount of the aggregate capital value of the conservatorship estate, plus the estimated income for the accounting and report review interval, less the value of property deposited under a verified receipt requiring a court order for its removal and real property the conservator lacks power to sell or convey without specific court authorization. The court, in place of surety on a bond, may accept collateral for the performance of the bond, including a pledge of securities or a mortgage of real property.

(3) A regulated financial institution qualified to do trust business in this state is not required to give a bond under this section.

(4) In all conservatorships where the person subject to conservatorship has total assets of a value of less than three thousand dollars, the court may dispense with the requirement of a bond: **PROVIDED**, That the conservator swears to report to the court any changes in the total assets of the person subject to conservatorship increasing their value to over three thousand dollars: **PROVIDED FURTHER**, That the conservator files a yearly statement showing the monthly income of the person subject to conservatorship if such monthly income, excluding moneys from state or federal benefits, is over the sum of five hundred dollars per month for any three consecutive months.

NEW SECTION. Sec. 417. TERMS AND REQUIREMENTS OF BOND. (1) The following rules apply to the bond required under section 416 of this act:

(a) Except as otherwise provided by the bond, the surety and the conservator are jointly and severally liable.

(b) By executing a bond provided by a conservator, the surety submits to the personal jurisdiction of the court that issued letters of office to the conservator in a proceeding relating to the duties of the conservator in which the surety is named as a party. Notice of the proceeding must be given to the surety at the address shown in the records of the court in which the bond is filed and any other address of the surety then known to the person required to provide the notice.

(c) On petition of a successor conservator or person affected by a breach of the obligation of the bond, a proceeding may be brought against the surety for breach of the obligation of the bond.

(d) A proceeding against the bond may be brought until liability under the bond is exhausted.

(2) A proceeding may not be brought under this section against a surety of a bond on a matter as to which a proceeding against the conservator is barred.

(3) If a bond under section 416 of this act is not renewed by the conservator, the surety or sureties immediately shall give notice to the court and the individual subject to conservatorship.

NEW SECTION. Sec. 418. DUTIES OF CONSERVATOR. (1) A conservator is a fiduciary and has duties of prudence and loyalty to the individual subject to conservatorship.

(2) A conservator shall promote the self-determination of the individual subject to conservatorship and, to the extent feasible, encourage the individual to participate in decisions, act on the individual's own behalf, and develop or regain the capacity to manage the individual's personal affairs.

(3) In making a decision for an individual subject to conservatorship, the conservator shall make the decision the conservator reasonably believes the individual would make if able, unless doing so would fail to preserve the resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual. To determine the decision the individual would make if able, the conservator shall consider the individual's prior or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the conservator.

(4) If a conservator cannot make a decision under subsection (3) of this section because the conservator does not know and cannot reasonably determine the decision the individual subject to conservatorship probably would make if able, or the conservator reasonably believes the decision the individual would make would fail to preserve resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual, the conservator shall act in accordance with the best interests of the individual. In determining the best interests of the individual, the conservator shall consider:

(a) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the individual;

(b) Other information the conservator believes the individual would have considered if the individual were able to act; and

(c) Other factors a reasonable person in the circumstances of the individual would consider, including consequences for others.

(5) Except when inconsistent with the conservator's duties under subsections (1) through (4) of this section, a conservator shall invest and manage the conservatorship estate as a prudent investor would, by considering:

(a) The circumstances of the individual subject to conservatorship and the conservatorship estate;

(b) General economic conditions;

(c) The possible effect of inflation or deflation;

(d) The expected tax consequences of an investment decision or strategy;

(e) The role of each investment or course of action in relation to the conservatorship estate as a whole;

(f) The expected total return from income and appreciation of capital;

(g) The need for liquidity, regularity of income, and preservation or appreciation of capital; and

(h) The special relationship or value, if any, of specific property to the individual subject to conservatorship.

(6) The propriety of a conservator's investment and management of the conservatorship estate is determined in light of the facts and circumstances existing when the conservator decides or acts and not by hindsight.

(7) A conservator shall make a reasonable effort to verify facts relevant to the investment and management of the conservatorship estate.

(8) A conservator that has special skills or expertise, or is named conservator in reliance on the conservator's representation of special skills or expertise, has a duty to use the special skills or expertise in carrying out the conservator's duties.

(9) In investing, selecting specific property for distribution, and invoking a power of revocation or withdrawal for the use or benefit of the individual subject to conservatorship, a conservator shall consider any estate plan of the individual known or reasonably ascertainable to the conservator and may examine the will or other donative, nominative, or appointive instrument of the individual.

(10) A conservator shall maintain insurance on the insurable real and personal property of the individual subject to conservatorship, unless the conservatorship estate lacks sufficient funds to pay for insurance or the court finds:

(a) The property lacks sufficient equity; or

(b) Insuring the property would unreasonably dissipate the conservatorship estate or otherwise not be in the best interest of the individual.

(11) If a power of attorney for finances is in effect, a conservator shall cooperate with the agent to the extent feasible.

(12) A conservator has access to and authority over a digital asset of the individual subject to conservatorship to the extent provided by the revised uniform fiduciary access to digital assets act (chapter 11.120 RCW) or court order.

(13) A conservator for an adult shall notify the court if the condition of the adult has changed so that the adult is capable of exercising rights previously removed. The notice must be given immediately on learning of the change.

(14) A conservator shall notify the court within thirty days of any substantial change in the value of the property of the person subject to conservatorship and shall provide a copy of the notice to the person subject to guardianship, a person entitled to notice under section 403 of this act or a subsequent order, and any other person the court has determined is entitled to notice and schedule a hearing for the court to review the adequacy of the bond or other verified receipt under sections 416 and 417 of this act.

NEW SECTION. Sec. 419. CONSERVATOR'S PLAN. (1) A conservator, not later than ninety days after appointment, shall file with the court a plan for protecting, managing, expending, and distributing the assets of the conservatorship estate. The plan must be based on the needs of the individual subject to conservatorship and take into account the best interest of the individual as well as the individual's preferences, values, and prior directions, to the extent known to or reasonably ascertainable by the conservator. The conservator shall include in the plan:

(a) A budget containing projected expenses and resources, including an estimate of the total amount of fees the conservator anticipates charging per year and a statement or list of the amount the conservator proposes to charge for each service the conservator anticipates providing to the individual;

(b) How the conservator will involve the individual in decisions about management of the conservatorship estate;

(c) Any step the conservator plans to take to develop or restore the ability of the individual to manage the conservatorship estate; and

(d) An estimate of the duration of the conservatorship.

(2) A conservator shall give notice of the filing of the conservator's plan under subsection (1) of this section, together with a copy of the plan, to the individual subject to conservatorship, a person entitled to notice under section 411(6) of this act or a subsequent order, and any other person the court determines. The notice must include a statement of the right to object to the plan and be given not later than fourteen days after the filing.

(3) An individual subject to conservatorship and any person entitled under subsection (2) of this section to receive notice and a copy of the conservator's plan may object to the plan.

(4) The court shall review the conservator's plan filed under subsection (1) of this section and determine whether to approve the plan or require a new plan. In deciding whether to approve the plan, the court shall consider an objection under subsection (3) of this section and whether the plan is consistent with the conservator's duties and powers. The court may not approve the plan until thirty days after its filing.

(5) After a conservator's plan under this section is approved by the court, the conservator shall provide a copy of the plan to the individual subject to conservatorship, a person entitled to notice under section 411(6) of this act or a subsequent order, and any other person the court determines.

NEW SECTION. Sec. 420. INVENTORY—RECORDS. (1) Not later than sixty days after appointment, a conservator shall prepare and file with the appointing court a detailed inventory of the conservatorship estate, together with an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits.

(2) A conservator shall give notice of the filing of an inventory to the individual subject to conservatorship, a person entitled to notice under section 411(6) of this act or a subsequent order, and any other person the court determines. The notice must be given not later than fourteen days after the filing.

(3) A conservator shall keep records of the administration of the conservatorship estate and make them available for examination on reasonable request of the individual subject to conservatorship, a guardian for the individual, or any other person the conservator or the court determines.

NEW SECTION. Sec. 421. ADMINISTRATIVE POWERS OF CONSERVATOR NOT REQUIRING COURT APPROVAL. (1) Except as otherwise provided in section 414 of this act or qualified or limited in the court's order of appointment and stated in the letters of office, a conservator has all powers granted in this section and any additional power granted to a trustee by law of this state other than this chapter.

(2) A conservator, acting reasonably and consistent with the fiduciary duties of the conservator to accomplish the purpose of the conservatorship, without specific court authorization or confirmation, may with respect to the conservatorship estate:

(a) Collect, hold, and retain property, including property in which the conservator has a personal interest and real property in another state, until the conservator determines disposition of the property should be made;

(b) Receive additions to the conservatorship estate;

(c) Continue or participate in the operation of a business or other enterprise;

(d) Acquire an undivided interest in property in which the conservator, in a fiduciary capacity, holds an undivided interest;

(e) Invest assets;

(f) Deposit funds or other property in a financial institution, including one operated by the conservator;

(g) Acquire or dispose of property, including real property in another state, for cash or on credit, at public or private sale, and manage, develop, improve, exchange, partition, change the character of, or abandon property;

(h) Make ordinary or extraordinary repairs or alterations in a building or other structure, demolish any improvement, or raze an existing or erect a new party wall or building;

(i) Subdivide or develop land, dedicate land to public use, make or obtain the vacation of a plat and adjust a boundary, adjust a difference in valuation of land, exchange or partition land by giving or receiving consideration, and dedicate an easement to public use without consideration;

(j) Enter for any purpose into a lease of property as lessor or lessee, with or without an option to purchase or renew, for a term within or extending beyond the term of the conservatorship;

(k) Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or a pooling or unitization agreement;

(l) Grant an option involving disposition of property or accept or exercise an option for the acquisition of property;

(m) Vote a security, in person or by general or limited proxy;

(n) Pay a call, assessment, or other sum chargeable or accruing against or on account of a security;

(o) Sell or exercise a stock subscription or conversion right;

(p) Consent, directly or through a committee or agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

(q) Hold a security in the name of a nominee or in other form without disclosure of the conservatorship so that title to the security may pass by delivery;

(r) Insure:

(i) The conservatorship estate, in whole or in part, against damage or loss in accordance with section 418(10) of this act; and

(ii) The conservator against liability with respect to a third person;

(s) Borrow funds, with or without security, to be repaid from the conservatorship estate or otherwise;

(t) Advance funds for the protection of the conservatorship estate or the individual subject to conservatorship and all expenses, losses, and liability sustained in the administration of the conservatorship estate or because of holding any property for which the conservator has a lien on the conservatorship estate;

(u) Pay or contest a claim, settle a claim by or against the conservatorship estate or the individual subject to conservatorship by compromise, arbitration, or otherwise, or release, in whole or in part, a claim belonging to the conservatorship estate to the extent the claim is uncollectible;

(v) Pay a tax, assessment, compensation of the conservator or any guardian, and other expense incurred in the collection, care, administration, and protection of the conservatorship estate;

(w) Pay a sum distributable to the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship by paying the sum to the distributee or for the use of the distributee:

(i) To the guardian for the distributee;

(ii) To the custodian of the distributee under the uniform transfers to minors act (chapter 11.114 RCW); or

(iii) If there is no guardian, custodian, or custodial trustee, to a relative or other person having physical custody of the distributee;

(x) Bring or defend an action, claim, or proceeding in any jurisdiction for the protection of the conservatorship estate or the conservator in the performance of the conservator's duties;

(y) Structure the finances of the individual subject to conservatorship to establish eligibility for a public benefit, including by making gifts consistent with the individual's preferences, values, and prior directions, if the conservator's action does not jeopardize the individual's welfare and otherwise is consistent with the conservator's duties; and

(z) Execute and deliver any instrument that will accomplish or facilitate the exercise of a power of the conservator.

NEW SECTION. Sec. 422. DISTRIBUTION FROM CONSERVATORSHIP ESTATE. Except as otherwise provided in section 414 of this act or qualified or limited in the court's order of appointment and stated in the letters of office, and unless contrary to a conservator's plan under section 419 of this act, the conservator may expend or distribute income or principal of the conservatorship estate without specific court authorization or confirmation for the support, care, education, health, or welfare of the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship, including the payment of child or spousal support, in accordance with the following rules:

(1) The conservator shall consider a recommendation relating to the appropriate standard of

support, care, education, health, or welfare for the individual subject to conservatorship or individual who is dependent on the individual subject to conservatorship, made by a guardian for the individual subject to conservatorship, if any, and, if the individual subject to conservatorship is a minor, a recommendation made by a parent of the minor.

(2) The conservator acting in compliance with the conservator's duties under section 418 of this act is not liable for an expenditure or distribution made based on a recommendation under subsection (1) of this section unless the conservator knows the expenditure or distribution is not in the best interest of the individual subject to conservatorship.

(3) In making an expenditure or distribution under this section, the conservator shall consider:

(a) The size of the conservatorship estate, the estimated duration of the conservatorship, and the likelihood the individual subject to conservatorship, at some future time, may be fully self-sufficient and able to manage the individual's financial affairs and the conservatorship estate;

(b) The accustomed standard of living of the individual subject to conservatorship and individual who is dependent on the individual subject to conservatorship;

(c) Other funds or source used for the support of the individual subject to conservatorship; and

(d) The preferences, values, and prior directions of the individual subject to conservatorship.

(4) Funds expended or distributed under this section may be paid by the conservator to any person, including the individual subject to conservatorship, as reimbursement for expenditures the conservator might have made, or in advance for services to be provided to the individual subject to conservatorship or individual who is dependent on the individual subject to conservatorship if it is reasonable to expect the services will be performed and advance payment is customary or reasonably necessary under the circumstances.

NEW SECTION. Sec. 423. CONSERVATOR'S REPORT AND ACCOUNTING—MONITORING. (1) A conservator shall file with the court by the date established by the court a report in a record regarding the administration of the conservatorship estate unless the court otherwise directs, on resignation or removal, on termination of the conservatorship, and at any other time the court directs.

(2) A report under subsection (1) of this section must state or contain:

(a) An accounting that lists property included in the conservatorship estate and the receipts, disbursements, liabilities, and distributions during the period for which the report is made;

(b) A list of the services provided to the individual subject to conservatorship;

(c) A copy of the conservator's most recently approved plan and a statement whether the conservator has

deviated from the plan and, if so, how the conservator has deviated and why;

(d) A recommendation as to the need for continued conservatorship and any recommended change in the scope of the conservatorship;

(e) To the extent feasible, a copy of the most recent reasonably available financial statements evidencing the status of bank accounts, investment accounts, and mortgages or other debts of the individual subject to conservatorship with all but the last four digits of the account numbers and social security number redacted;

(f) Anything of more than de minimis value which the conservator, any individual who resides with the conservator, or the spouse, domestic partner, parent, child, or sibling of the conservator has received from a person providing goods or services to the individual subject to conservatorship;

(g) Any business relation the conservator has with a person the conservator has paid or that has benefited from the property of the individual subject to conservatorship; and

(h) Whether any co-conservator or successor conservator appointed to serve when a designated event occurs is alive and able to serve.

(3) The court may appoint a visitor to review a report under this section or conservator's plan under section 419 of this act, interview the individual subject to conservatorship or conservator, or investigate any other matter involving the conservatorship. In connection with the report, the court may order the conservator to submit the conservatorship estate to appropriate examination in a manner the court directs.

(4) Notice of the filing under this section of a conservator's report, together with a copy of the report, must be provided to the individual subject to conservatorship, a person entitled to notice under section 411(6) of this act or a subsequent order, and other persons the court determines. The notice and report must be given not later than fourteen days after filing.

(5) The court shall establish procedures for monitoring a report submitted under this section and review each report at least annually to determine whether:

(a) The reports provide sufficient information to establish the conservator has complied with the conservator's duties;

(b) The conservatorship should continue; and

(c) The conservator's requested fees, if any, should be approved.

(6) If the court determines there is reason to believe a conservator has not complied with the conservator's duties or the conservatorship should not continue, the court:

(a) Shall notify the individual subject to conservatorship, the conservator, and any other person entitled to notice under section 411(6) of this act or a subsequent order;

(b) May require additional information from the conservator;

(c) May appoint a visitor to interview the individual subject to conservatorship or conservator or investigate any matter involving the conservatorship; and

(d) Consistent with sections 430 and 431 of this act, may hold a hearing to consider removal of the conservator, termination of the conservatorship, or a change in the powers granted to the conservator or terms of the conservatorship.

(7) If the court has reason to believe fees requested by a conservator are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(8) A conservator must petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

(9) An order, after notice and hearing, approving an interim report of a conservator filed under this section adjudicates liabilities concerning a matter adequately disclosed in the report, as to a person given notice of the report or accounting.

(10) If the court approves a report filed under this section, the order approving the report shall set the due date for the filing of the next report to be filed under this section. The court may set the review at annual, biennial, or triennial intervals with the report due date to be within ninety days of the anniversary date of appointment. When determining the report interval, the court can consider: The length of time the conservator has been serving the person under conservatorship; whether the conservator has timely filed all required reports with the court; whether the conservator is monitored by other state or local agencies; the income of the person subject to conservatorship; the value of the property of the person subject to conservatorship; the adequacy of the bond and other verified receipt; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the conservator.

(11) If the court approves a report filed under this section, the order approving the report shall contain a conservatorship summary or accompanied by a conservatorship summary in the form or substantially in the same form as set forth in section 606 of this act.

(12) If the court approves a report filed under this section, the order approving the report shall direct the clerk of the court to reissue letters of office in the form or substantially in the same form as set forth in section 605 of this act to the conservator containing an expiration date which will be within one hundred twenty days after the date the court directs the conservator file its next report.

(13) An order, after notice and hearing, approving a final report filed under this section discharges the conservator from all liabilities, claims, and causes of action by a person given notice of the report and the hearing as to a matter adequately disclosed in the report.

(14) Any requirement to establish a monitoring program under this section is subject to appropriation.

NEW SECTION. Sec. 424. ATTEMPTED TRANSFER OF PROPERTY BY INDIVIDUAL SUBJECT TO CONSERVATORSHIP. (1) The interest of an individual subject to conservatorship in property included in the conservatorship estate is not transferable or assignable by the individual and is not subject to levy, garnishment, or similar process for claims against the individual unless allowed under section 428 of this act.

(2) If an individual subject to conservatorship enters into a contract after having the right to enter the contract removed by the court, the contract is void against the individual and the individual's property but is enforceable against the person that contracted with the individual.

(3) A person other than the conservator that deals with an individual subject to conservatorship with respect to property included in the conservatorship estate is entitled to protection provided by law of this state other than this chapter.

NEW SECTION. Sec. 425. TRANSACTION INVOLVING CONFLICT OF INTEREST. A transaction involving a conservatorship estate which is affected by a substantial conflict between the conservator's fiduciary duties and personal interests is voidable unless the transaction is authorized by court order after notice to persons entitled to notice under section 411(6) of this act or a subsequent order. A transaction affected by a substantial conflict includes a sale, encumbrance, or other transaction involving the conservatorship estate entered into by the conservator, an individual with whom the conservator resides, the spouse, domestic partner, descendant, sibling, agent, or attorney of the conservator, or a corporation or other enterprise in which the conservator has a substantial beneficial interest.

NEW SECTION. Sec. 426. PROTECTION OF PERSON DEALING WITH CONSERVATOR. (1) A person that assists or deals with a conservator in good faith and for value in any transaction, other than a transaction requiring a court order under section 414 of this act, is protected as though the conservator properly exercised any power in question. Knowledge by a person that the person is dealing with a conservator alone does not require the person to inquire into the existence of authority of the conservator or the propriety of the conservator's exercise of authority, but restrictions on authority stated in letters of office, or otherwise provided by law, are effective as to the person. A person that pays or delivers property to a conservator is not responsible for proper application of the property.

(2) Protection under subsection (1) of this section extends to a procedural irregularity or jurisdictional defect in the proceeding leading to the issuance of letters of office and does not substitute for protection for a person that assists or deals with a conservator provided by comparable provisions in law of this state other than this chapter relating

to a commercial transaction or simplifying a transfer of securities by a fiduciary.

NEW SECTION. Sec. 427. DEATH OF INDIVIDUAL SUBJECT TO CONSERVATORSHIP. (1) If an individual subject to conservatorship dies, the conservator shall deliver to the court for safekeeping any will of the individual in the conservator's possession and inform the personal representative named in the will if feasible, or if not feasible, a beneficiary named in the will, of the delivery.

(2) If forty days after the death of an individual subject to conservatorship no personal representative has been appointed and no application or petition for appointment is before the court, the conservator may apply to exercise the powers and duties of a personal representative to administer and distribute the decedent's estate. The conservator shall give notice of his or her appointment and the pendency of any probate proceedings as provided in RCW 11.28.237 and shall also give notice to a person nominated as personal representative by a will of the decedent of which the conservator is aware. The court may grant the application if there is no objection and endorse the letters of office to note that the individual formerly subject to conservatorship is deceased and the conservator has acquired the powers and duties of a personal representative.

(3) On the death of an individual subject to conservatorship, the conservator shall conclude the administration of the conservatorship estate as provided in section 431 of this act.

NEW SECTION. Sec. 428. PRESENTATION AND ALLOWANCE OF CLAIM. (1) A conservator may pay, or secure by encumbering property included in the conservatorship estate, a claim against the conservatorship estate or the individual subject to conservatorship arising before or during the conservatorship, on presentation and allowance in accordance with the priorities under subsection (4) of this section. A claimant may present a claim by:

(a) Sending or delivering to the conservator a statement in a record of the claim, indicating its basis, the name and address of the claimant, and the amount claimed; or

(b) Filing the claim with the court, in a form acceptable to the court, and sending or delivering a copy of the claim to the conservator.

(2) A claim under subsection (1) of this section is presented on receipt by the conservator of the statement of the claim or the filing with the court of the claim, whichever first occurs. A presented claim is allowed if it is not disallowed in whole or in part by the conservator in a record sent or delivered to the claimant not later than sixty days after its presentation. Before payment, the conservator may change an allowance of the claim to a disallowance in whole or in part, but not after allowance under a court order or order directing payment of the claim. Presentation of a claim tolls until thirty days after disallowance of the claim the running

of a statute of limitations that has not expired relating to the claim.

(3) A claimant whose claim under subsection (1) of this section has not been paid may petition the court to determine the claim at any time before it is barred by a statute of limitations, and the court may order its allowance, payment, or security by encumbering property included in the conservatorship estate. If a proceeding is pending against the individual subject to conservatorship at the time of appointment of the conservator or is initiated thereafter, the moving party shall give the conservator notice of the proceeding if it could result in creating a claim against the conservatorship estate.

(4) If a conservatorship estate is likely to be exhausted before all existing claims are paid, the conservator shall distribute the estate in money or in kind in payment of claims in the following order:

(a) Costs and expenses of administration;

(b) A claim of the federal or state government having priority under law other than this chapter;

(c) A claim incurred by the conservator for support, care, education, health, or welfare previously provided to the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship;

(d) A claim arising before the conservatorship; and

(e) All other claims.

(5) Preference may not be given in the payment of a claim under subsection (4) of this section over another claim of the same class. A claim due and payable may not be preferred over a claim not due unless:

(a) Doing so would leave the conservatorship estate without sufficient funds to pay the basic living and health care expenses of the individual subject to conservatorship; and

(b) The court authorizes the preference under section 414(1)(h) of this act.

(6) If assets of a conservatorship estate are adequate to meet all existing claims, the court, acting in the best interest of the individual subject to conservatorship, may order the conservator to grant a security interest in the conservatorship estate for payment of a claim at a future date.

NEW SECTION. Sec. 429. PERSONAL LIABILITY OF CONSERVATOR. (1) Except as otherwise agreed by a conservator, the conservator is not personally liable on a contract properly entered into in a fiduciary capacity in the course of administration of the conservatorship estate unless the conservator fails to reveal the conservator's representative capacity in the contract or before entering into the contract.

(2) A conservator is personally liable for an obligation arising from control of property of the

conservatorship estate or an act or omission occurring in the course of administration of the conservatorship estate only if the conservator is personally at fault.

(3) A claim based on a contract entered into by a conservator in a fiduciary capacity, an obligation arising from control of property included in the conservatorship estate, or a tort committed in the course of administration of the conservatorship estate may be asserted against the conservatorship estate in a proceeding against the conservator in a fiduciary capacity, whether or not the conservator is personally liable for the claim.

(4) A question of liability between a conservatorship estate and the conservator personally may be determined in a proceeding for accounting, surcharge, or indemnification or another appropriate proceeding or action.

NEW SECTION. Sec. 430. REMOVAL OF CONSERVATOR—APPOINTMENT OF SUCCESSOR.

(1) The court may remove a conservator for failure to perform the conservator's duties or other good cause and appoint a successor conservator to assume the duties of the conservator.

(2) The court shall hold a hearing to determine whether to remove a conservator and appoint a successor on:

(a) Petition of the individual subject to conservatorship, conservator, or person interested in the welfare of the individual which contains allegations that, if true, would support a reasonable belief that removal of the conservator and appointment of a successor may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed during the preceding six months;

(b) Communication from the individual subject to conservatorship, conservator, or person interested in the welfare of the individual which supports a reasonable belief that removal of the conservator and appointment of a successor may be appropriate; or

(c) Determination by the court that a hearing would be in the best interest of the individual subject to conservatorship.

(3) Notice of a hearing under subsection (2)(a) of this section and notice of the individual's right to be represented at the hearing by counsel of the individual's choosing must be given to the individual subject to conservatorship, the conservator, and any other person the court determines.

(4) An individual subject to conservatorship who seeks to remove the conservator and have a successor appointed has the right to choose an attorney to represent the individual in this matter. The court shall award reasonable attorneys' fees to the attorney as provided in section 120 of this act.

(5) In selecting a successor conservator, the court shall follow the priorities under section 410 of this act.

(6) Not later than fourteen days after appointing a successor conservator, the successor conservator shall give notice of the appointment to the individual subject to conservatorship and any person entitled to notice under section 411(6) of this act or a subsequent order.

NEW SECTION. Sec. 431. TERMINATION OR MODIFICATION OF CONSERVATORSHIP. (1) A conservatorship for a minor terminates on the earliest of:

(a) A court order terminating the conservatorship;

(b) The minor becoming an adult or, if the minor consents or the court finds by clear and convincing evidence that substantial harm to the minor's interests is otherwise likely, attaining twenty-one years of age;

(c) Emancipation of the minor; or

(d) Death of the minor.

(2) A conservatorship for an adult terminates on order of the court or when the adult dies.

(3) An individual subject to conservatorship, the conservator, or a person interested in the welfare of the individual may petition for:

(a) Termination of the conservatorship on the ground that a basis for appointment under section 401 of this act does not exist or termination would be in the best interest of the individual or for other good cause; or

(b) Modification of the conservatorship on the ground that the extent of protection or assistance granted is not appropriate or for other good cause.

(4) The court shall hold a hearing to determine whether termination or modification of a conservatorship is appropriate on:

(a) Petition under subsection (3) of this section that contains allegations that, if true, would support a reasonable belief that termination or modification of the conservatorship may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed within the preceding six months;

(b) A communication from the individual subject to conservatorship, conservator, or person interested in the welfare of the individual which supports a reasonable belief that termination or modification of the conservatorship may be appropriate, including because the functional needs of the individual or supports or services available to the individual have changed;

(c) A report from a guardian or conservator which indicates that termination or modification may be appropriate because the functional needs or supports or services available to the individual have changed or a protective arrangement instead of conservatorship or other less restrictive alternative is available; or

(d) A determination by the court that a hearing would be in the best interest of the individual.

(5) Notice of a petition under subsection (3) of this section must be given to the individual subject to conservatorship, the conservator, and any such other person the court determines.

(6) On presentation of prima facie evidence for termination of a conservatorship, the court shall order termination unless it is proven that a basis for appointment of a conservator under section 401 of this act exists.

(7) The court shall modify the powers granted to a conservator if the powers are excessive or inadequate due to a change in the abilities or limitations of the individual subject to conservatorship, the individual's supports, or other circumstances.

(8) Unless the court otherwise orders for good cause, before terminating a conservatorship, the court shall follow the same procedures to safeguard the rights of the individual subject to conservatorship which apply to a petition for conservatorship.

(9) An individual subject to conservatorship who seeks to terminate or modify the terms of the conservatorship has the right to choose an attorney to represent the individual in this matter. The court shall award reasonable attorneys' fees to the attorney as provided in section 120 of this act.

(10) On termination of a conservatorship other than by reason of the death of the individual subject to conservatorship, property of the conservatorship estate passes to the individual. The order of termination must direct the conservator to file a final report and petition for discharge on approval by the court of the final report.

(11) On termination of a conservatorship by reason of the death of the individual subject to conservatorship, the conservator shall file a final report and petition for discharge on approval by the court of the final report within ninety days of death of the person subject to conservatorship. On approval of the final report, the conservator shall proceed expeditiously to distribute the conservatorship estate to the individual's estate or as otherwise ordered by the court. The conservator may take reasonable measures necessary to preserve the conservatorship estate until distribution can be made.

(12) The court shall issue a final order of discharge on the approval by the court of the final report and satisfaction by the conservator of any other condition the court imposed on the conservator's discharge.

NEW SECTION. Sec. 432. TRANSFER FOR BENEFIT OF MINOR WITHOUT APPOINTMENT OF CONSERVATOR. (1) Unless a person required to transfer funds or other property to a minor knows that a conservator for the minor has been appointed or a proceeding is pending for conservatorship, the person may transfer an amount or value not exceeding fifteen thousand dollars in a twelve-month period to:

(a) A person that has care or custody of the minor and with whom the minor resides;

(b) A guardian for the minor;

(c) A custodian under the uniform transfers to minors act (chapter 11.114 RCW); or

(d) A financial institution as a deposit in an interest-bearing account or certificate solely in the name of the minor and shall give notice to the minor of the deposit.

(2) A person that transfers funds or other property under this section is not responsible for its proper application.

(3) A person that receives funds or other property for a minor under subsection (1)(a) or (b) of this section may apply it only to the support, care, education, health, or welfare of the minor, and may not derive a personal financial benefit from it, except for reimbursement for necessary expenses. Funds not applied for these purposes must be preserved for the future support, care, education, health, or welfare of the minor, and the balance, if any, transferred to the minor when the minor becomes an adult or otherwise is emancipated.

ARTICLE 5

OTHER PROTECTIVE ARRANGEMENTS

NEW SECTION. Sec. 501. AUTHORITY FOR PROTECTIVE ARRANGEMENT. (1) Under this article, a court:

(a) On receiving a petition for a guardianship for an adult may order a protective arrangement instead of guardianship as a less restrictive alternative to guardianship; and

(b) On receiving a petition for a conservatorship for an individual may order a protective arrangement instead of conservatorship as a less restrictive alternative to conservatorship.

(2) A person interested in an adult's welfare, including the adult or a conservator for the adult, may petition under this article for a protective arrangement instead of guardianship.

(3) The following persons may petition under this article for a protective arrangement instead of conservatorship:

(a) The individual for whom the protective arrangement is sought;

(b) A person interested in the property, financial affairs, or welfare of the individual, including a person that would be affected adversely by lack of effective management of property or financial affairs of the individual; and

(c) The guardian for the individual.

NEW SECTION. Sec. 502. BASIS FOR PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP FOR ADULT. (1) After the hearing on a petition under section 302 of this act for a guardianship or under section 501(2) of this act for a protective arrangement

instead of guardianship, the court may issue an order under subsection (2) of this section for a protective arrangement instead of guardianship if the court finds by clear and convincing evidence that:

(a) The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making; and

(b) The respondent's identified needs cannot be met by a less restrictive alternative.

(2) If the court makes the findings under subsection (1) of this section, the court, instead of appointing a guardian, may:

(a) Authorize or direct a transaction necessary to meet the respondent's need for health, safety, or care, including:

(i) A particular medical treatment or refusal of a particular medical treatment;

(ii) A move to a specified place of dwelling; or

(iii) Visitation or supervised visitation between the respondent and another person;

(b) Restrict access to the respondent by a specified person whose access places the respondent at serious risk of physical, psychological, or financial harm; and

(c) Reorder other arrangements on a limited basis that are appropriate.

(3) In deciding whether to issue an order under this section, the court shall consider the factors under sections 314 and 315 of this act that a guardian must consider when making a decision on behalf of an adult subject to guardianship.

NEW SECTION. Sec. 503. BASIS FOR PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR ADULT OR MINOR. (1) After the hearing on a petition under section 402 of this act for conservatorship for an adult or under section 501(3) of this act for a protective arrangement instead of a conservatorship for an adult, the court may issue an order under subsection (3) of this section for a protective arrangement instead of conservatorship for the adult if the court finds by clear and convincing evidence that:

(a) The adult is unable to manage property or financial affairs because:

(i) Of a limitation in the ability to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making; or

(ii) The adult is missing, detained, or unable to return to the United States;

(b) An order under subsection (3) of this section is necessary to:

(i) Avoid harm to the adult or significant dissipation of the property of the adult; or

(ii) Obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult or an individual entitled to the adult's support; and

(c) The respondent's identified needs cannot be met by a less restrictive alternative.

(2) After the hearing on a petition under section 402 of this act for conservatorship for a minor or under section 501(3) of this act for a protective arrangement instead of conservatorship for a minor, the court may issue an order under subsection (3) of this section for a protective arrangement instead of conservatorship for the respondent if the court finds by a preponderance of the evidence that the arrangement is in the minor's best interest, and:

(a) If the minor has a parent, the court gives weight to any recommendation of the parent whether an arrangement is in the minor's best interest;

(b) Either:

(i) The minor owns money or property requiring management or protection that otherwise cannot be provided;

(ii) The minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or

(iii) The arrangement is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the minor; and

(iv) The order under subsection (3) of this section is necessary or desirable to obtain or provide money needed for the support, care, education, health, or welfare of the minor.

(3) If the court makes the findings under subsection (1) or (2) of this section, the court, instead of appointing a conservator, may:

(a) Authorize or direct a transaction necessary to protect the financial interest or property of the respondent, including:

(i) An action to establish eligibility for benefits;

(ii) Payment, delivery, deposit, or retention of funds or property;

(iii) Sale, mortgage, lease, or other transfer of property;

(iv) Purchase of an annuity;

(v) Entry into a contractual relationship, including a contract to provide for personal care, supportive services, education, training, or employment;

(vi) Addition to or establishment of a trust;

(vii) Ratification or invalidation of a contract, trust, will, or other transaction, including a transaction related to the property or business affairs of the respondent; or

(viii) Settlement of a claim; or

(b) Restrict access to the respondent's property by a specified person whose access to the property places the respondent at serious risk of financial harm.

(4) After the hearing on a petition under section 501 (1)(b) or (3) of this act, whether or not the court makes the findings under subsection (1) or (2) of this section, the court may issue an order to restrict access to the respondent or the respondent's property by a specified person that the court finds by clear and convincing evidence:

(a) Through fraud, coercion, duress, or the use of deception and control caused or attempted to cause an action that would have resulted in financial harm to the respondent or the respondent's property; and

(b) Poses a serious risk of substantial financial harm to the respondent or the respondent's property.

(5) Before issuing an order under subsection (3) or (4) of this section, the court shall consider the factors under section 418 of this act a conservator must consider when making a decision on behalf of an individual subject to conservatorship.

(6) Before issuing an order under subsection (3) or (4) of this section for a respondent who is a minor, the court also shall consider the best interest of the minor, the preference of the parents of the minor, and the preference of the minor, if the minor is twelve years of age or older.

NEW SECTION. Sec. 504. PETITION FOR PROTECTIVE ARRANGEMENT. A petition for a protective arrangement instead of guardianship or conservatorship must state the petitioner's name, principal residence, current street address, if different, relationship to the respondent, interest in the protective arrangement, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

(1) The respondent's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(2) The name and address of the respondent's:

(a) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period before the filing of the petition;

(b) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(c) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with

whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the petition;

(3) The name and current address of each of the following, if applicable:

(a) A person responsible for the care or custody of the respondent;

(b) Any attorney currently representing the respondent;

(c) The representative payee appointed by the social security administration for the respondent;

(d) A guardian or conservator acting for the respondent in this state or another jurisdiction;

(e) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(f) The fiduciary appointed for the respondent by the department of veterans affairs;

(g) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(h) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(i) A person nominated as guardian or conservator by the respondent if the respondent is twelve years of age or older;

(j) A person nominated as guardian by the respondent's parent, spouse, or domestic partner in a will or other signed record;

(k) A person known to have routinely assisted the respondent with decision making in the six-month period immediately before the filing of the petition; and

(l) If the respondent is a minor:

(i) An adult not otherwise listed with whom the respondent resides; and

(ii) Each person not otherwise listed that had primary care or custody of the respondent for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;

(4) The nature of the protective arrangement sought;

(5) The reason the protective arrangement sought is necessary, including a brief description of:

(a) The nature and extent of the respondent's alleged need;

(b) Any less restrictive alternative for meeting the respondent's alleged need which has been considered or implemented;

(c) If no less restrictive alternative has been considered or implemented, the reason less restrictive alternatives have not been considered or implemented; and

(d) The reason other less restrictive alternatives are insufficient to meet the respondent's alleged need;

(6) The name and current address, if known, of any person with whom the petitioner seeks to limit the respondent's contact;

(7) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings;

(8) If a protective arrangement instead of guardianship is sought and the respondent has property other than personal effects, a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of any other anticipated income or receipts; and

(9) If a protective arrangement instead of conservatorship is sought, a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts.

NEW SECTION. Sec. 505. NOTICE AND HEARING. (1) All petitions filed under section 504 of this act for appointment of a guardian for an adult shall be heard within sixty days unless an extension of time is requested by a party or the visitor within such sixty-day period and granted for good cause shown.

(2) A copy of a petition under section 501 of this act and notice of a hearing on the petition must be served personally on the respondent and the visitor appointed under section 506 of this act not more than five court days after the petition under section 504 of this act has been filed. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition. The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under section 501 of this act, the notice required under subsection (2) of this section must be given to the persons required to be listed in the petition under section 504 (1) through (3) of this act and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from granting the petition.

(4) After the court has ordered a protective arrangement under this article, notice of a hearing on a petition filed under this chapter, together with a copy of the petition, must be given to the respondent and any other person the court determines.

NEW SECTION. Sec. 506. APPOINTMENT AND ROLE OF VISITOR. (1) On filing of a petition under section 501 of this act for a protective arrangement instead of guardianship, the court shall appoint a visitor. The visitor

must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(2) On filing of a petition under section 501 of this act for a protective arrangement instead of conservatorship for a minor, the court may appoint a visitor to investigate a matter related to the petition or inform the minor or a parent of the minor about the petition or a related matter.

(3) On filing of a petition under section 501 of this act or a protective arrangement instead of conservatorship for an adult, the court shall appoint a visitor unless the respondent is represented by an attorney appointed by the court. The visitor must be an individual with training or experience in the types of abilities, limitations, and needs alleged in the petition.

(4) The court, in the order appointing visitor, shall specify the hourly rate the visitor may charge for his or her services, and shall specify the maximum amount the visitor may charge without additional court review and approval.

(5)(a) The visitor appointed under subsection (1) or (3) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under section 116 of this act with a statement including: His or her training relating to the duties as a visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the visitor should not be removed for one of the following three reasons:

- (i) Lack of expertise necessary for the proceeding;
- (ii) An hourly rate higher than what is reasonable for the particular proceeding; or
- (iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the visitor and all parties. If, after a hearing, the court enters an order replacing the visitor, findings shall be included, expressly stating the reasons for the removal. If the visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(6) A visitor appointed under subsection (1) or (3) of this section shall interview the respondent in person and in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, and the respondent's rights at the hearing on the petition;

(b) Determine the respondent's views with respect to the order sought;

(c) Inform the respondent that all costs and expenses of the proceeding, including respondent's attorneys' fees, may be paid from the respondent's assets;

(d) If the petitioner seeks an order related to the dwelling of the respondent, visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the order is granted;

(e) If a protective arrangement instead of guardianship is sought, obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition;

(f) If a protective arrangement instead of conservatorship is sought, review financial records of the respondent, if relevant to the visitor's recommendation under subsection (7)(b) of this section; and

(g) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(7) A visitor under this section promptly shall file a report in a record with the court, which must include:

(a) To the extent relevant to the order sought, a summary of self-care, independent living tasks, and financial management tasks the respondent:

- (i) Can manage without assistance or with existing supports;
- (ii) Could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making; and
- (iii) Cannot manage;

(b) A recommendation regarding the appropriateness of the protective arrangement sought and whether a less restrictive alternative for meeting the respondent's needs is available;

(c) If the petition seeks to change the physical location of the dwelling of the respondent, a statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to the respondent's dwelling;

(d) A recommendation whether a professional evaluation under section 508 of this act is necessary;

(e) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(f) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(g) Any other matter the court directs.

NEW SECTION. Sec. 507. APPOINTMENT AND ROLE OF ATTORNEY. (1)(a) The respondent shall have

the right to be represented by a willing attorney of their choosing at any stage in protective arrangement proceedings.

(b) Unless the respondent in a proceeding under this article is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay, except as provided otherwise in (c) of this subsection.

(c)(i) The court must appoint an attorney to represent the respondent at public expense when either:

(A) The respondent is unable to afford an attorney;

(B) The expense of an attorney would result in substantial hardship to the respondent; or

(C) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the court must provide an attorney and may impose a reimbursement requirement as part of a final order.

(ii) When, in the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented, the court on its own motion must appoint an attorney at any time to represent the respondent.

(iii) An attorney must be provided under this subsection (1)(c) as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks is presumed by a reviewing court to be inadequate time for consultation and preparation.

(2) An attorney representing the respondent in a proceeding under this article shall:

(a) Make reasonable efforts to ascertain the respondent's wishes;

(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and

(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive alternative in type, duration, and scope, consistent with the respondent's interests.

(3) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under this article if:

(a) The parent objects to the entry of an order for a protective arrangement instead of guardianship or conservatorship;

(b) The court determines that counsel is needed to ensure that consent to the entry of an order for a protective arrangement is informed; or

(c) The court otherwise determines the parent needs representation.

NEW SECTION. Sec. 508. PROFESSIONAL EVALUATION. (1) At or before a hearing on a petition

under this article for a protective arrangement, the court shall order a professional evaluation of the respondent:

(a) If the respondent requests the evaluation; or

(b) In other cases, unless the court finds that it has sufficient information to determine the respondent's needs and abilities without the evaluation.

(2) If the court orders an evaluation under subsection (1) of this section, the respondent must be examined by a licensed physician, psychologist, social worker, or other individual appointed by the court who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. The individual conducting the evaluation promptly shall file a report in a record with the court. Unless otherwise directed by the court, the report must contain:

(a) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;

(b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;

(c) A prognosis for improvement, including with regard to the ability to manage the respondent's property and financial affairs if a limitation in that ability is alleged, and recommendation for the appropriate treatment, support, or habilitation plan; and

(d) The date of the examination on which the report is based.

(3) The respondent may decline to participate in an evaluation ordered under subsection (1) of this section.

NEW SECTION. Sec. 509. ATTENDANCE AND RIGHTS AT HEARING. (1) Except as otherwise provided in subsection (2) of this section, a hearing under this article may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(2) A hearing under this article may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

(a) The respondent consistently and repeatedly has refused to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so;

(b) There is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services and technological assistance; or

(c) The respondent is a minor who has received proper notice and attendance would be harmful to the minor.

(3) The respondent may be assisted in a hearing under this article by a person or persons of the respondent's choosing, assistive technology, or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(4) The respondent has a right to choose an attorney to represent the respondent at a hearing under this article.

(5) At a hearing under this article, the respondent may:

(a) Present evidence and subpoena witnesses and documents;

(b) Examine witnesses, including any court-appointed evaluator and the visitor; and

(c) Otherwise participate in the hearing.

(6) A hearing under this article must be closed on request of the respondent and a showing of good cause.

(7) Any person may request to participate in a hearing under this article. The court may grant the request, with or without a hearing, on determining that the best interests of the respondent will be served. The court may impose appropriate conditions on the person's participation.

NEW SECTION. Sec. 510. NOTICE OF ORDER. The court shall give notice of an order under this article to the individual who is subject to the protective arrangement instead of guardianship or conservatorship, a person whose access to the individual is restricted by the order, and any other person the court determines.

NEW SECTION. Sec. 511. CONFIDENTIALITY OF RECORDS. (1) The existence of a proceeding for or the existence of a protective arrangement instead of guardianship or conservatorship is a matter of public record unless the court seals the record after:

(a) The respondent, the individual subject to the protective arrangement, or the parent of a minor subject to the protective arrangement requests the record be sealed; and

(b) Either:

(i) The proceeding is dismissed;

(ii) The protective arrangement is no longer in effect; or

(iii) An act authorized by the order granting the protective arrangement has been completed.

(2) A respondent, an individual subject to a protective arrangement instead of guardianship or conservatorship, an attorney designated by the respondent or individual, a parent of a minor subject to a protective arrangement, and any other person the court determines are

entitled to access court records of the proceeding and resulting protective arrangement. A person not otherwise entitled access to court records under this subsection for good cause may petition the court for access. The court shall grant access if access is in the best interest of the respondent or individual subject to the protective arrangement or furthers the public interest and does not endanger the welfare or financial interests of the respondent or individual.

(3) A report of a visitor or professional evaluation generated in the course of a proceeding under this article must be sealed on filing but is available to:

(a) The court;

(b) The individual who is the subject of the report or evaluation, without limitation as to use;

(c) The petitioner, visitor, and petitioner's and respondent's attorneys, for purposes of the proceeding;

(d) Unless the court orders otherwise, an agent appointed under a power of attorney for finances in which the respondent is the principal;

(e) If the order is for a protective arrangement instead of guardianship and unless the court orders otherwise, an agent appointed under a power of attorney for health care in which the respondent is identified as the principal; and

(f) Any other person if it is in the public interest or for a purpose the court orders for good cause.

NEW SECTION. Sec. 512. APPOINTMENT OF SPECIAL AGENT. The court may appoint a special agent, to assist in implementing a protective arrangement under this article. The special agent has the authority conferred by the order of appointment and serves until discharged by court order.

**ARTICLE 6
FORMS**

NEW SECTION. Sec. 601. USE OF FORMS. Unless otherwise provided in this chapter, use of the forms contained in this article is optional. Failure to use these forms does not prejudice any party.

NEW SECTION. Sec. 602. PETITION FOR GUARDIANSHIP FOR MINOR. This form may be used to petition for guardianship for a minor.

Petition for Guardianship for Minor

State of:

County of:

Name and address of attorney representing petitioner, if applicable:

.....

Each parent of the minor or, if there are none, the adult nearest in kinship that can be found;

An adult with whom the minor resides;

Each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;

If the minor is twelve years of age or older, any person nominated as guardian by the minor;

Any person nominated as guardian by a parent of the minor;

The grandparents of the minor;

Adult siblings of the minor; and

Any current guardian or conservator for the minor appointed in this state or another jurisdiction.

NEW SECTION. Sec. 603. PETITION FOR GUARDIANSHIP, CONSERVATORSHIP, OR PROTECTIVE ARRANGEMENT. This form may be used to petition for:

Guardianship for an adult;

Conservatorship for an adult or minor;

A protective arrangement instead of guardianship for an adult; or

A protective arrangement instead of conservatorship for an adult or minor.

Petition for Guardianship, Conservatorship, or Protective Arrangement

State of:

County of:.....

Name and address of attorney representing petitioner, if applicable:.....

.....

.....

Note to petitioner: This form can be used to petition for a guardian, conservator, or both, or for a protective arrangement instead of either a guardianship or conservatorship. This form should not be used to petition for guardianship for a minor.

The court may appoint a guardian or order a protective arrangement instead of guardianship for an adult if the adult lacks the ability to meet essential requirements for physical health, safety, or self-care because (1) the adult is unable to receive and evaluate information or make or communicate decisions even with the use of supportive services, technological assistance, and supported decision

making, and (2) the adult's identified needs cannot be met by a less restrictive alternative.

The court may appoint a conservator or order a protective arrangement instead of conservatorship for an adult if (1) the adult is unable to manage property and financial affairs because of a limitation in the ability to receive and evaluate information or make or communicate decisions even with the use of supportive services, technological assistance, and supported decision making or the adult is missing, detained, or unable to return to the United States, and (2) appointment is necessary to avoid harm to the adult or significant dissipation of the property of the adult, or to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult, or of an individual who is entitled to the adult's support, and protection is necessary or desirable to provide funds or other property for that purpose.

The court may appoint a conservator or order a protective arrangement instead of conservatorship for a minor if: (1) The minor owns funds or other property requiring management or protection that cannot otherwise be provided; or (2) it would be in the minor's best interests, and the minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age, or appointment is necessary or desirable to provide funds or other property needed for the support, care, education, health, or welfare of the minor.

The court may also order a protective arrangement instead of conservatorship that restricts access to an individual or an individual's property by a person that the court finds: (1) Through fraud, coercion, duress, or the use of deception and control, caused, or attempted to cause, an action that would have resulted in financial harm to the individual or the individual's property; and (2) poses a serious risk of substantial financial harm to the individual or the individual's property.

(1) Information about the person filing this petition (the petitioner.)

(a) Name:

(b) Principal residence:

(c) Current street address (if different):.....

(d) Relationship to respondent:

(e) Interest in this petition:

(f) Telephone number (optional):.....

(g) Email address (optional):.....

(2) Information about the individual alleged to need protection (the "respondent"). Provide the following information to the extent known.

(a) Name:

(b) Age:

(c) Principal residence:

(d) Current street address (if different):.....

(e) If petitioner anticipates respondent moving, or seeks to move respondent, proposed new address:

(f) Does respondent need an interpreter, translator, or other form of support to communicate with the court or understand court proceedings? If so, please explain:

.....

(g) Telephone number (optional):.....

(h) Email address (optional):

(3) People who are required to be notified of this petition. State the name and address of the people listed in Appendix A.

.....

.....

(4) Existing agents. State the name and address of any person appointed as an agent under a power of attorney for finances or power of attorney for health care, or who has been appointed as the individual's representative for payment of benefits.

.....

.....

(5) Action requested. State whether petitioner is seeking appointment of a guardian, a conservator, or a protective arrangement instead of an appointment.

.....

.....

(6) Order requested or appointment requested. If seeking a protective arrangement instead of a guardianship or conservatorship, state the transaction or other action you want the court to order. If seeking appointment of a guardian or conservator, state the powers petitioner requests the court grant to a guardian or conservator.

.....

.....

(7) State why the appointment or protective arrangement sought is necessary. Include a description of the nature and extent of respondent's alleged need.

.....

.....

(8) State all less restrictive alternatives to meeting respondent's alleged need that have been considered or implemented. Less restrictive

alternatives could include supported decision making, technological assistance, or the appointment of an agent by respondent including appointment under a power of attorney for health care or power of attorney for finances. If no alternative has been considered or implemented, state the reason why not.

.....

.....

(9) Explain why less restrictive alternatives will not meet respondent's alleged need.

.....

.....

(10) Provide a general statement of respondent's property and an estimate of its value. Include any real property such as a house or land, insurance or pension, and the source and amount of any other anticipated income or receipts. As part of this statement, indicate, if known, how the property is titled (for example, is it jointly owned?).

.....

.....

(11) For a petition seeking appointment of a conservator. (Skip this section if not asking for appointment of a conservator.)

(a) If seeking appointment of a conservator with all powers permissible under this state's law, explain why appointment of a conservator with fewer powers (i.e., a "limited conservatorship") or other protective arrangement instead of conservatorship will not meet the individual's alleged needs.

.....

.....

(b) If seeking a limited conservatorship, state the property petitioner requests be placed under the conservator's control and any proposed limitation on the conservator's powers and duties.

.....

.....

(c) State the name and address of any proposed conservator and the reason the proposed conservator should be selected.

.....

.....

(d) If respondent is twelve years of age or older, state the name and address of any person respondent nominates as conservator.

.....

.....

(e) If alleging a limitation in respondent's ability to receive and evaluate information, provide a brief description of the nature and extent of respondent's alleged limitation.

.....
.....

(f) If alleging that respondent is missing, detained, or unable to return to the United States, state the relevant circumstances, including the time and nature of the disappearance or detention and a description of any search or inquiry concerning respondent's whereabouts.

.....
.....

(12) For a petition seeking appointment of a guardian. (Skip this section if not asking for appointment of a guardian.)

(a) If seeking appointment of a guardian with all powers permissible under this state's law, explain why appointment of a guardian with fewer powers (i.e., a "limited guardianship") or other protective arrangement instead of guardianship will not meet the individual's alleged needs.

.....
.....

(b) If seeking a limited guardianship, state the powers petitioner requests be granted to the guardian.

.....
.....

(c) State the name and address of any proposed guardian and the reason the proposed guardian should be selected.

.....
.....

(d) State the name and address of any person nominated as guardian by respondent, or, in a will or other signed writing or other record, by respondent's parent or spouse or domestic partner.

.....
.....

(13) Attorney. If petitioner, respondent, or, if respondent is a minor, respondent's parent is represented by an attorney in this matter, state the name, telephone number, email address, and address of the attorney(s).

.....
.....

SIGNATURE

.....

Signature of Petitioner Date

.....

Signature of Petitioner's Attorney if Date

Petitioner is Represented by Counsel

APPENDIX A:

People whose name and address must be listed in subsection (3) of this petition, if they are not the petitioner.

Respondent's spouse or domestic partner, or if respondent has none, any adult with whom respondent has shared household responsibilities in the past six months;

Respondent's adult children, or, if respondent has none, respondent's parents and adult siblings, or if respondent has none, one or more adults nearest in kinship to respondent who can be found with reasonable diligence;

Respondent's adult stepchildren whom respondent actively parented during the stepchildren's minor years and with whom respondent had an ongoing relationship within two years of this petition;

Any person responsible for the care or custody of respondent;

Any attorney currently representing respondent;

Any representative payee for respondent appointed by the social security administration;

Any current guardian or conservator for respondent appointed in this state or another jurisdiction;

Any trustee or custodian of a trust or custodianship of which respondent is a beneficiary;

Any veterans administration fiduciary for respondent;

Any person respondent has designated as agent under a power of attorney for finances;

Any person respondent has designated as agent under a power of attorney for health care;

Any person known to have routinely assisted the individual with decision making in the previous six months;

Any person respondent nominates as guardian or conservator; and

Any person nominated as guardian by respondent's parent or spouse or domestic partner in a will or other signed writing or other record.

NEW SECTION. **Sec. 604.** NOTIFICATION OF RIGHTS FOR ADULT SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP. This form may be used to notify an adult subject to guardianship or conservatorship of the adult's rights under sections 311 and 412 of this act.

Notification of Rights

You are getting this notice because a guardian, conservator, or both have been appointed for you. It tells you about some important rights you have. It does not tell you about all your rights. If you have questions about your rights, you can ask an attorney or another person, including your guardian or conservator, to help you understand your rights.

General rights:

You have the right to exercise any right the court has not given to your guardian or conservator.

You also have the right to ask the court to:

End your guardianship, conservatorship, or both;

Increase or decrease the powers granted to your guardian, conservator, or both;

Make other changes that affect what your guardian or conservator can do or how they do it; and

Replace the person that was appointed with someone else.

You also have a right to hire an attorney to help you do any of these things.

Additional rights for persons for whom a guardian has been appointed:

As an adult subject to guardianship, you have a right to:

(1) Be involved in decisions affecting you, including decisions about your care, where you live, your activities, and your social interactions, to the extent reasonably feasible;

(2) Be involved in decisions about your health care to the extent reasonably feasible, and to have other people help you understand the risks and benefits of health care options;

(3) Be notified at least fourteen days in advance of a change in where you live or a permanent move to a nursing home, mental health facility, or other facility that places restrictions on your ability to leave or have visitors, unless the guardian has proposed this change in the guardian's plan or the court has expressly authorized it;

(4) Ask the court to prevent your guardian from changing where you live or selling or surrendering your primary dwelling by following the appropriate process for objecting to such a move in compliance with section 314(5) of this act;

(5) Vote and get married unless the court order appointing your guardian states that you cannot do so;

(6) Receive a copy of your guardian's report and your guardian's plan; and

(7) Communicate, visit, or interact with other people (this includes the right to have visitors, to make and receive telephone calls, personal mail, or electronic communications) unless:

(a) Your guardian has been authorized by the court by specific order to restrict these communications, visits, or interactions;

(b) A protective order is in effect that limits contact between you and other people; or

(c) Your guardian has good cause to believe the restriction is needed to protect you from significant physical, psychological, or financial harm and the restriction is for not more than seven business days if the person has a relative or preexisting social relationship with you or not more than sixty days if the person does not have that kind of relationship with you.

Additional rights for persons for whom a conservator has been appointed:

As an adult subject to conservatorship, you have a right to:

Participate in decisions about how your property is managed to the extent feasible; and

Receive a copy of your conservator's inventory, report, and plan.

NEW SECTION. **Sec. 605.** LETTERS OF OFFICE. All letters of guardianship/conservatorship must be in the following form or a substantially similar form:

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON IN AND FOR THE
COUNTY OF

IN THE Cause No.
MATTER
OF THE

GUAR
DIANSHIP/

CONSE
RVATORSH
IP OF

.....
.....

LETTERS OF
GUARDIANSHIP/CONSERVATORSHIP

) ss.

Date
letters expire

County of (.....)

THESE LETTERS OF
GUARDIANSHIP/CONSERVATORSHIP PROVIDE
OFFICIAL VERIFICATION OF THE FOLLOWING:

I,, Clerk of the Superior Court of said County and State, certify that this document represents true and correct Letters of Guardianship/Conservatorship in the above entitled case, entered upon the record on this ... day of,

On the day of, (year) the Court appointed to serve as:

These letters remain in full force and effect until the date of expiration set forth above.

- Guardian of the Person Full Limited
- Conservator of the Estate Full Limited

The seal of Superior Court has been affixed and witnessed by my hand this day of,

for, in the above referenced matter.

....., Clerk of Superior Court

The Guardian/Conservator has fulfilled all legal requirements to serve including, but not limited to: Taking and filing the oath; filing any bond consistent with the court's order; filing any blocked account agreement consistent with the court's order; and appointing a resident agent for a nonresident guardian.

By, Deputy

.....

(Signature of Deputy)

The Court, having found the Guardian/Conservator duly qualified, now makes it known is authorized as the Guardian for designated in the Court's order as referenced above.

NEW SECTION. **Sec. 606.**
GUARDIANSHIP/CONSERVATORSHIP SUMMARY.
The guardianship/conservatorship summary shall be in or substantially similar form:

The next filing and reporting deadline in this matter is on the ... day of,

GUARDIANSHIP/CONSERVATORSHIP SUMMARY

THESE LETTERS ARE NO LONGER VALID ON .
.....

Date
Guardian/Conservator
or Appointed:

These letters can only be renewed by a new court order. If the court grants an extension, new letters will be issued.

Due Date for Report
and Accounting:

This matter is before the Honorable of Superior Court, the seal of the Court being affixed this ... day of

Date of Next
Review:

Letters Expire On:

Bond Amount: \$.....

State of Washington)

Restricted Account Agreements Required:

Due Date for Inventory, if applicable:

Due Date for Guardian's Plan, if applicable:

Person subject to Guardian/Conservator guardianship/conservatorship

| | |
|------------|------------|
| Name: | Name: |
| Address: | Address: |
| Phone: | Phone: |
| Facsimile: | Facsimile: |

| Interested Parties | Address | Relation |
|--------------------|---------|----------|
| | | |
| | | |
| | | |
| | | |

ARTICLE 7

CERTIFIED PROFESSIONAL GUARDIANSHIP BOARD OF RESOLUTION GRIEVANCES

NEW SECTION. Sec. 701. CERTIFIED PROFESSIONAL GUARDIANSHIP BOARD RESOLUTION OF GRIEVANCES. (1) The certified professional guardianship board must resolve grievances against professional guardians and/or conservators within a reasonable time for alleged violations of the certified professional guardianship board's standards of practice.

(a) All grievances must initially be reviewed within thirty days by certified professional guardianship board members, or a subset thereof, to determine if the grievance is complete, states facts that allege a violation of the standards of practice, and relates to the conduct of a professional guardian and/or conservator, before any investigation or response is requested from the professional guardian or the superior court. Grievances must provide the dates of the alleged violations and must be signed and dated by the person filing the grievance. Grievance investigations by the board are limited to the allegations contained in the

grievance unless, after review by a majority of the members of the certified professional guardianship board, further investigation is justified.

(b) If the certified professional guardianship board determines the grievance is complete, states facts that allege a violation of the standards of practice, and relates to the conduct of a professional guardian and/or conservator, the certified professional guardianship board must forward that grievance within ten days to the superior court for that guardianship or conservatorship and to the professional guardian and/or conservator. The court must review the matter as set forth in section 128 of this act, and must direct the clerk of the court to send a copy of the order entered under this section to the certified professional guardianship board. The certified professional guardianship board must act consistently with any finding of fact issued in that order.

(2) Grievances received by the certified professional guardianship board must be resolved within one hundred eighty days of receipt.

(3) If the grievance cannot be resolved within one hundred eighty days, the certified professional guardianship board must notify the professional guardian and/or conservator. The professional guardian or conservator may propose a resolution of the grievance with facts and/or arguments. The certified professional guardianship board may accept the proposed resolution or determine that an additional ninety days are needed to review the grievance. If the certified professional guardianship board has not resolved the grievance within the additional ninety days the professional guardian or conservator may:

(a) File a motion for a court order to compel the certified professional guardianship board to resolve the grievance within a reasonable time; or

(b) Move for the court to resolve the grievance instead of being resolved by the certified professional guardianship board.

(4) The court has authority to enforce the certified professional guardianship board's standards of practice in this article to the extent those standards are related to statutory or fiduciary duties of guardians and conservators.

(5) Any unresolved grievances filed with the certified professional guardianship board at the time of the effective date of this section must be forwarded to the superior court for that guardianship or conservatorship for review by the court as set forth in section 128 of this act.

ARTICLE 8

MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 801. REPEALS. The following acts or parts of acts are each repealed:

(1)RCW 11.88.005 (Legislative intent) and 1990 c 122 s 1, 1977 ex.s. c 309 s 1, & 1975 1st ex.s. c 95 s 1;

(2)RCW 11.88.008 ("Professional guardian" defined) and 1997 c 312 s 2;

(3)RCW 11.88.010 (Authority to appoint guardians—Definitions—Venue—Nomination by principal) and 2016 c 209 s 403, 2008 c 6 s 802, 2005 c 236 s 3, (2005 c 236 s 2 expired January 1, 2006), 2004 c 267 s 139, 1991 c 289 s 1, 1990 c 122 s 2, 1984 c 149 s 176, 1977 ex.s. c 309 s 2, 1975 1st ex.s. c 95 s 2, & 1965 c 145 s 11.88.010;

(4)RCW 11.88.020 (Qualifications) and 2011 c 329 s 1, 1997 c 312 s 1, 1990 c 122 s 3, 1975 1st ex.s. c 95 s 3, 1971 c 28 s 4, & 1965 c 145 s 11.88.020;

(5)RCW 11.88.030 (Petition—Contents—Hearing) and 2011 c 329 s 2, 2009 c 521 s 36, 1996 c 249 s 8, 1995 c 297 s 1, 1991 c 289 s 2, 1990 c 122 s 4, 1977 ex.s. c 309 s 3, 1975 1st ex.s. c 95 s 4, & 1965 c 145 s 11.88.030;

(6)RCW 11.88.040 (Notice and hearing, when required—Service—Procedure) and 2008 c 6 s 803, 1995 c 297 s 2, 1991 c 289 s 3, 1990 c 122 s 5, 1984 c 149 s 177, 1977 ex.s. c 309 s 4, 1975 1st ex.s. c 95 s 5, 1969 c 70 s 1, & 1965 c 145 s 11.88.040;

(7)RCW 11.88.045 (Legal counsel and jury trial—Proof—Medical report—Examinations—Waiver) and 2001 c 148 s 1, 1996 c 249 s 9, 1995 c 297 s 3, 1991 c 289 s 4, 1990 c 122 s 6, 1977 ex.s. c 309 s 5, & 1975 1st ex.s. c 95 s 7;

(8)RCW 11.88.080 (Guardians nominated by will or durable power of attorney) and 2016 c 209 s 401, 2005 c 97 s 11, 1990 c 122 s 7, & 1965 c 145 s 11.88.080;

(9)RCW 11.88.090 (Guardian ad litem—Mediation—Appointment—Qualifications—Notice of and statement by guardian ad litem—Hearing and notice—Attorneys' fees and costs—Registry—Duties—Report—Responses—Fee) and 2008 c 6 s 804, 2000 c 124 s 1, 1999 c 360 s 1, 1996 c 249 s 10, 1995 c 297 s 4, 1991 c 289 s 5, 1990 c 122 s 8, 1977 ex.s. c 309 s 6, 1975 1st ex.s. c 95 s 9, & 1965 c 145 s 11.88.090;

(10)RCW 11.88.093 (Ex parte communications—Removal) and 2000 c 124 s 10;

(11)RCW 11.88.095 (Disposition of guardianship petition) and 2011 c 329 s 4, 1995 c 297 s 5, 1991 c 289 s 6, & 1990 c 122 s 9;

(12)RCW 11.88.097 (Guardian ad litem—Fees) and 2000 c 124 s 13;

(13)RCW 11.88.100 (Oath and bond of guardian or limited guardian) and 2010 c 8 s 2088, 1990 c 122 s 10, 1983 c 271 s 1, 1977 ex.s. c 309 s 7, 1975 1st ex.s. c 95 s 10, & 1965 c 145 s 11.88.100;

(14)RCW 11.88.105 (Reduction in amount of bond) and 1990 c 122 s 11, 1975 1st ex.s. c 95 s 11, & 1965 c 145 s 11.88.105;

(15)RCW 11.88.107 (When bond not required) and 1990 c 122 s 12, 1977 ex.s. c 309 s 8, 1975 1st ex.s. c 95 s 12, & 1965 c 145 s 11.88.107;

(16)RCW 11.88.110 (Law on executors' and administrators' bonds applicable) and 1975 1st ex.s. c 95 s 13 & 1965 c 145 s 11.88.110;

(17)RCW 11.88.120 (Modification or termination of guardianship—Procedure) and 2017 c 271 s 2, 2015 c 293 s 1, 1991 c 289 s 7, 1990 c 122 s 14, 1977 ex.s. c 309 s 9, 1975 1st ex.s. c 95 s 14, & 1965 c 145 s 11.88.120;

(18)RCW 11.88.125 (Standby limited guardian or limited guardian) and 2013 c 304 s 1, 2011 c 329 s 5, 2008 c 6 s 805, 1991 c 289 s 8, 1990 c 122 s 15, 1979 c 32 s 1, 1977 ex.s. c 309 s 10, & 1975 1st ex.s. c 95 s 6;

(19)RCW 11.88.127 (Guardianship—Incapacitated person—Letters of guardianship) and 2011 c 329 s 6;

(20)RCW 11.88.130 (Transfer of jurisdiction and venue) and 1990 c 122 s 16, 1975 1st ex.s. c 95 s 15, & 1965 c 145 s 11.88.130;

(21)RCW 11.88.140 (Termination of guardianship or limited guardianship) and 2016 c 202 s 9, 2011 c 329 s 7, 1991 c 289 s 9, 1990 c 122 s 17, 1977 ex.s. c 309 s 11, 1975 1st ex.s. c 95 s 16, & 1965 c 145 s 11.88.140;

(22)RCW 11.88.150 (Administration of deceased incapacitated person's estate) and 2010 c 8 s 2089, 1990 c 122 s 18, 1977 ex.s. c 309 s 12, 1975 1st ex.s. c 95 s 17, & 1965 c 145 s 11.88.150;

(23)RCW 11.88.160 (Guardianships involving veterans) and 1990 c 122 s 13;

(24)RCW 11.88.170 (Guardianship courthouse facilitator program) and 2015 c 295 s 1;

(25)RCW 11.88.900 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 35;

(26)RCW 11.92.010 (Guardians or limited guardians under court control—Legal age) and 1975 1st ex.s. c 95 s 18, 1971 c 28 s 5, & 1965 c 145 s 11.92.010;

(27)RCW 11.92.035 (Claims) and 1990 c 122 s 19, 1975 1st ex.s. c 95 s 19, & 1965 c 145 s 11.92.035;

(28)RCW 11.92.040 (Duties of guardian or limited guardian in general) and 2011 c 329 s 9, 1991 c 289 s 10, 1990 c 122 s 20, & 1985 c 30 s 9;

(29)RCW 11.92.043 (Additional duties) and 2017 c 268 s 3, 2011 c 329 s 3, 1991 c 289 s 11, & 1990 c 122 s 21;

(30)RCW 11.92.050 (Intermediate accounts or reports—Hearing—Order) and 2011 c 329 s 10, 1995 c 297 s 6, 1990 c 122 s 23, 1975 1st ex.s. c 95 s 21, & 1965 c 145 s 11.92.050;

(31)RCW 11.92.053 (Settlement of estate upon termination) and 2011 c 329 s 8, 1995 c 297 s 7, 1990 c 122 s 24, & 1965 c 145 s 11.92.053;

(32)RCW 11.92.056 (Citation of surety on bond) and 1990 c 122 s 25, 1975 1st ex.s. c 95 s 22, & 1965 c 145 s 11.92.056;

(33)RCW 11.92.060 (Guardian to represent incapacitated person—Compromise of claims—Service of process) and 1990 c 122 s 26, 1975 1st ex.s. c 95 s 23, & 1965 c 145 s 11.92.060;

(34)RCW 11.92.090 (Sale, exchange, lease, or mortgage of property) and 1990 c 122 s 27, 1975 1st ex.s. c 95 s 24, & 1965 c 145 s 11.92.090;

(35)RCW 11.92.096 (Guardian access to certain held assets) and 1991 c 289 s 13;

(36)RCW 11.92.100 (Petition—Contents) and 1990 c 122 s 28, 1975 1st ex.s. c 95 s 25, & 1965 c 145 s 11.92.100;

(37)RCW 11.92.110 (Sale of real estate) and 1990 c 122 s 29, 1975 1st ex.s. c 95 s 26, & 1965 c 145 s 11.92.110;

(38)RCW 11.92.115 (Return and confirmation of sale) and 2010 c 8 s 2090, 1990 c 122 s 30, 1975 1st ex.s. c 95 s 27, & 1965 c 145 s 11.92.115;

(39)RCW 11.92.120 (Confirmation conclusive) and 1975 1st ex.s. c 95 s 28 & 1965 c 145 s 11.92.120;

(40)RCW 11.92.125 (Broker's fee and closing expenses—Sale, exchange, mortgage, or lease of real estate) and 1977 ex.s. c 309 s 15 & 1965 c 145 s 11.92.125;

(41)RCW 11.92.130 (Performance of contracts) and 1990 c 122 s 31, 1975 1st ex.s. c 95 s 29, & 1965 c 145 s 11.92.130;

(42)RCW 11.92.140 (Court authorization for actions regarding guardianship funds) and 2008 c 6 s 807, 1999 c 42 s 616, 1991 c 193 s 32, 1990 c 122 s 32, & 1985 c 30 s 10;

(43)RCW 11.92.150 (Request for special notice of proceedings) and 1990 c 122 s 33 & 1985 c 30 s 11;

(44)RCW 11.92.160 (Citation for failure to file account or report) and 1990 c 122 s 34, 1975 1st ex.s. c 95 s 31, & 1965 c 145 s 11.92.160;

(45)RCW 11.92.170 (Removal of property of nonresident incapacitated person) and 1990 c 122 s 35, 1977 ex.s. c 309 s 16, 1975 1st ex.s. c 95 s 32, & 1965 c 145 s 11.92.170;

(46)RCW 11.92.180 (Compensation and expenses of guardian or limited guardian—Attorney's fees—Department of social and health services clients paying part of costs—Rules) and 1995 c 297 s 8, 1994 c 68 s 1, 1991 c 289 s 12, 1990 c 122 s 36, 1975 1st ex.s. c 95 s 33, & 1965 c 145 s 11.92.180;

(47)RCW 11.92.185 (Concealed or embezzled property) and 1990 c 122 s 37, 1975 1st ex.s. c 95 s 34, & 1965 c 145 s 11.92.185;

(48)RCW 11.92.190 (Detention of person in residential placement facility against will prohibited—Effect of court order—Service of notice of residential placement) and 2016 sp.s. c 29 s 412, 1996 c 249 s 11, & 1977 ex.s. c 309 s 14;

(49)RCW 11.92.195 (Incapacitated persons—Right to associate with persons of their choosing) and 2017 c 268 s 1;

(50)RCW 26.10.010 (Intent) and 1987 c 460 s 25;

(51)RCW 26.10.015 (Mandatory use of approved forms) and 1992 c 229 s 4 & 1990 1st ex.s. c 2 s 27;

(52)RCW 26.10.020 (Civil practice to govern—Designation of proceedings—Decrees) and 1987 c 460 s 26;

(53)RCW 26.10.030 (Child custody proceeding—Commencement—Notice—Intervention) and 2003 c 105 s 3, 2000 c 135 s 3, 1998 c 130 s 4, & 1987 c 460 s 27;

(54)RCW 26.10.032 (Child custody motion—Affidavit required—Notice—Denial of motion—Show cause hearing) and 2003 c 105 s 6;

(55)RCW 26.10.034 (Petitions—Indian child statement—Application of federal Indian child welfare act) and 2011 c 309 s 31, 2004 c 64 s 1, & 2003 c 105 s 7;

(56)RCW 26.10.040 (Provisions for child support, custody, and visitation—Federal tax exemption—Continuing restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining order) and 2000 c 119 s 8, 1995 c 93 s 3, 1994 sp.s. c 7 s 453, 1989 c 375 s 31, & 1987 c 460 s 28;

(57)RCW 26.10.045 (Child support schedule) and 1988 c 275 s 12;

(58)RCW 26.10.050 (Child support by parents—Apportionment of expense) and 2008 c 6 s 1023 & 1987 c 460 s 29;

(59)RCW 26.10.060 (Health insurance coverage—Conditions) and 1989 c 375 s 19 & 1987 c 460 s 30;

(60)RCW 26.10.070 (Minor or dependent child—Court appointed attorney to represent—Payment of costs, fees, and disbursements) and 1989 c 375 s 20 & 1987 c 460 s 31;

(61)RCW 26.10.080 (Payment of costs, attorney's fees, etc) and 1987 c 460 s 35;

(62)RCW 26.10.090 (Failure to comply with decree or temporary injunction—Obligation to make support payments or permit visitation not suspended—Motion) and 1987 c 460 s 36;

(63)RCW 26.10.100 (Determination of custody—Child's best interests) and 1987 c 460 s 38;

(64)RCW 26.10.110 (Temporary custody order—Vacation of order) and 1987 c 460 s 39;

(65)RCW 26.10.115 (Temporary orders—Support—Restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining order—Preservation of support debt) and 2000 c 119 s 9, 1995 c 246 s 29, 1994 sp.s. c 7 s 454, & 1989 c 375 s 32;

(66)RCW 26.10.120 (Interview with child by court—Advice of professional personnel) and 1987 c 460 s 40;

(67)RCW 26.10.130 (Investigation and report) and 1993 c 289 s 2 & 1987 c 460 s 41;

(68)RCW 26.10.135 (Custody orders—Background information to be consulted) and 2017 3rd sp.s. c 6 s 333 & 2003 c 105 s 1;

(69)RCW 26.10.140 (Hearing—Record—Expenses of witnesses) and 1987 c 460 s 42;

(70)RCW 26.10.150 (Access to child's education and medical records) and 1987 c 460 s 43;

(71)RCW 26.10.160 (Visitation rights—Limitations) and 2018 c 183 s 7, 2011 c 89 s 7, 2004 c 38 s 13, 1996 c 303 s 2, 1994 c 267 s 2, 1989 c 326 s 2, & 1987 c 460 s 44;

(72)RCW 26.10.170 (Powers and duties of custodian—Supervision by appropriate agency when necessary) and 1987 c 460 s 45;

(73)RCW 26.10.180 (Remedies when a child is taken, enticed, or concealed) and 2008 c 6 s 1024, 1989 c 375 s 21, & 1987 c 460 s 46;

(74)RCW 26.10.190 (Petitions for modification and proceedings concerning relocation of child—Assessment of attorneys' fees) and 2000 c 21 s 21, 1989 c 375 s 24, & 1987 c 460 s 47;

(75)RCW 26.10.200 (Temporary custody order or modification of custody decree—Affidavits required) and 1987 c 460 s 48;

(76)RCW 26.10.210 (Venue) and 1987 c 460 s 49;

(77)RCW 26.10.220 (Restraining orders—Notice—Refusal to comply—Arrest—Penalty—Defense—Peace officers, immunity) and 2000 c 119 s 22, 1999 c 184 s 11, 1996 c 248 s 10, 1995 c 246 s 30, & 1987 c 460 s 50; and

(78)RCW 26.10.910 (Short title—1987 c 460).

NEW SECTION. Sec. 802. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 803. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This act modifies, limits, or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 804. APPLICABILITY. This chapter applies to:

(1) A proceeding for appointment of a guardian or conservator or for a protective arrangement instead of guardianship or conservatorship commenced after the effective date of this section; and

(2) A guardianship, conservatorship, or protective arrangement instead of a guardianship or conservatorship in existence on the effective date of this section unless the court finds application of a particular provision of this act would substantially interfere with the effective conduct of the proceeding or prejudice the rights of a party, in which case the particular provision of this act does not apply and the superseded law applies.

NEW SECTION. Sec. 805. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 806. Articles I through VII and sections 802 through 804 and 807 of this act constitute a new chapter in Title 11 RCW.

NEW SECTION. Sec. 807. EFFECTIVE DATE. This act takes effect January 1, 2021."

Correct the title.

Representatives Jinkins and Irwin spoke in favor of the adoption of the striking amendment.

The striking amendment (791) was adopted.

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

Representatives Thai and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5604, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5604, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele,

Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie and Ybarra.

Voting nay: Representatives Boehnke, Chandler, Jenkin, Kraft, McCaslin, Shea and Young.

SECOND SUBSTITUTE SENATE BILL NO. 5604, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

CONFERENCE COMMITTEE REPORT

April 25, 2019

Engrossed Substitute Senate Bill No. 5258

Includes "New Item": YES

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5258, preventing the sexual harassment and sexual assault of certain isolated workers, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment be adopted

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.60 RCW to read as follows:

(1) Every hotel, motel, retail, or security guard entity, or property services contractor, who employs an employee, must:

(a) Adopt a sexual harassment policy;

(b) Provide mandatory training to the employer's managers, supervisors, and employees to:

(i) Prevent sexual assault and sexual harassment in the workplace;

(ii) Prevent sexual discrimination in the workplace; and

(iii) Educate the employer's workforce regarding protection for employees who report violations of a state or federal law, rule, or regulation;

(c) Provide a list of resources for the employer's employees to utilize. At a minimum, the resources must include contact information of the equal employment opportunity commission, the Washington state human rights commission, and local advocacy groups focused on preventing sexual harassment and sexual assault; and

(d) Provide a panic button to each employee. The department must publish advice and guidance for employers with fifty or fewer employees relating to this subsection (1)(d). This subsection (1)(d) does not apply to contracted security guard companies licensed under chapter 18.170 RCW.

(2)(a) A property services contractor shall submit the following to the department on a form or in a manner determined by the department:

(i) The date of adoption of the sexual harassment policy required in subsection (1)(a) of this section;

(ii) The number of managers, supervisors, and employees trained as required by subsection (1)(b) of this section; and

(iii) The physical address of the work location or locations at which janitorial services are provided by workers of the property services contractor, and for each location: (A) The total number of workers or contractors of the property services contractor who perform janitorial services; and (B) the total hours worked.

(b) The department must make aggregate data submitted as required in this subsection (2) available upon request.

(c) The department may adopt rules to implement this subsection (2).

(3) For the purposes of this section:

(a) "Department" means the department of labor and industries.

(b) "Employee" means an individual who spends a majority of her or his working hours alone, or whose primary work responsibility involves working without another coworker present, and who is employed by an employer as a janitor, security guard, hotel or motel housekeeper, or room service attendant.

(c) "Employer" means any person, association, partnership, property services contractor, or public or private corporation, whether for-profit or not, who employs one or more persons.

(d) "Panic button" means an emergency contact device carried by an employee by which the employee may summon immediate on-scene assistance from another worker, a security guard, or a representative of the employer.

(e) "Property services contractor" means any person or entity that employs workers: (i) To perform labor for another person to provide commercial janitorial services; or (ii) on behalf of an employer to provide commercial janitorial services. "Property services contractor" does not mean the employment security department or individuals who perform labor under an agreement for exchanging their own labor or services with each other, provided the work is performed on land owned or leased by the individuals.

(f) "Security guard" means an individual who is principally employed as, or typically referred to as, a security officer or guard, regardless of whether the individual is employed by a private security company or a

single employer or whether the individual is required to be licensed under chapter 18.170 RCW.

(4)(a) Hotels and motels with sixty or more rooms must meet the requirements of this section by January 1, 2020.

(b) All other employers identified in subsection (1) of this section must meet the requirements of this section by January 1, 2021."

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "and adding a new section to chapter 49.60 RCW."

Senators King, Keiser and Conway
Representatives Frame, Mosbrucker and Sells

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 5258 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF HOUSE BILL AS
RECOMMENDED BY CONFERENCE COMMITTEE**

Representative Frame spoke in favor of the passage of the bill as recommended by the conference committee.

Representative Mosbrucker spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Orwall presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5258 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5258, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas: 73 Nays: 25 Absent: 0 Excused: 0

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Morris, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, and Wylie

Voting nay: Representatives Barkis, Boehnke, Calder, Chandler, Corry, Dent, Dufault, Dye, Eslick, Hoff, Jenkin, Klippert, MacEwen, McCaslin, Mosbrucker, Rude, Schmick, Shea, Steele, Sutherland, Vick, Walsh, Wilcox, Ybarra, and Young

ENGROSSED SUBSTITUTE SENATE BILL NO. 5258, as recommended by the conference committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2019

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2015 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the current facilities housing the Washington state archives, Washington state library, Washington state corporations and charities office, and the state elections office is in need of modernization and update. This is due to these vital programs being housed in obsolete and crowded facilities that do not meet modern standards for the functions performed in each.

(2) It is the intent of the secretary of state and the legislature to preserve and protect the state's vital records and collections, provide convenient service to the public, be excellent stewards of state funds, and house staff and collections in a state of the art, energy efficient building owned and operated by the office of the secretary of state. This will be accomplished by constructing a new building funded by a financing contract entered into by the secretary of state pursuant to chapter 39.94 RCW. The principal and interest requirements of the financing contract will be serviced by existing rents, existing fees, and a new fee on documents recorded at county recording offices.

(3) This building, to be known as the library-archives building, will replace the existing state archives, the existing leased library location, the existing leased elections office, and the corporations and charities building on Capitol Way in addition to consolidating other archival structures. The consolidation of facilities will create efficiency under RCW 43.82.010(6) and convenience for customers with the eventual goal of housing all functions of the various divisions of the office of the secretary of state.

NEW SECTION. Sec. 2. A new section is added to chapter 43.07 RCW to read as follows:

The secretary of state's office shall own and operate the library-archives building. The secretary of state's office is authorized to enter into a long-term land lease from the port of Olympia for a period of up to seventy-five years. To comply with the provisions of this section, this project is exempt from the provisions of RCW 43.82.010.

Sec. 3. RCW 36.18.010 and 2015 3rd sp.s. c 28 s 1 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

(1) For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

(2) For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(3) For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

(4) For administering an oath or taking an affidavit, with or without seal, two dollars;

(5) For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

(6) For searching records per hour, eight dollars;

(7) For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

(8) For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(9) For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170;

(10) For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees;

(11) For recording instruments, a three dollar surcharge to be deposited into the Washington state ~~(heritage center)~~ library operations account created in RCW 43.07.129;

(12) For recording instruments, a two dollar surcharge to be deposited into the Washington state library-archives building account created in section 9 of this act until the financing contract entered into by the secretary of state for the Washington state library-archives building is paid in full;

~~(13)~~ For recording instruments, a surcharge as provided in RCW 36.22.178; and

~~((13))~~ (14) For recording instruments, except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in RCW 36.22.179.

Sec. 4. RCW 36.22.175 and 2017 c 303 s 7 are each amended to read as follows:

(1)(a) In addition to any other charge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for each document recorded. Revenue generated through this surcharge shall be transmitted monthly to the state treasurer for deposit in the local government archives account under RCW 40.14.024. These funds shall be used solely for providing records schedule compliance, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management.

(b) The division of archives and records management within the office of the secretary of state shall provide records management training for local governments and shall establish a competitive grant program to solicit and prioritize project proposals from local governments for potential funding to be paid for by funds from the auditor surcharge and tax warrant surcharge revenues. Application for specific projects may be made by local government agencies only. The state archivist in consultation with the advisory committee established under RCW 40.14.027 shall adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria including requirements for records management training for grant recipients.

(2) The advisory committee established under RCW 40.14.027 shall review grant proposals and establish a prioritized list of projects to be considered for funding by January 1st of each even-numbered year, beginning in 2002. The evaluation of proposals and development of the prioritized list must be developed through open public meetings. Funding for projects shall be granted according to the ranking of each application on the prioritized list and projects will be funded only to the extent that funds are available. A grant award may have an effective date other than the date the project is placed on the prioritized list.

(3)~~((13))~~ In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded after January 1, 2002. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the ~~((local government archives account under RCW 40.14.024 to be used exclusively for: (i)~~

~~The construction and improvement of a specialized regional facility located in eastern Washington designed to serve the archives, records management, and digital data management needs of local government; and (ii) payment of the certificate of participation issued for the Washington state heritage center to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the certificate of participation.~~

~~(b) To the extent the facilities are used for the storage and retrieval of state agency records and digital data, that portion of the construction of such facilities used for state government records and data shall be supported by other charges and fees paid by state agencies and shall not be supported by the surcharge authorized in this subsection, except that to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments for the Washington state heritage center, the local government archives account under RCW 40.14.024 may be used for the Washington state heritage center.~~

~~(c) At such time that all debt service from construction of the specialized regional archive facility located in eastern Washington has been paid,) following accounts, fifty percent of the surcharge authorized by this subsection shall be reverted to the ((centennial document preservation and modernization)) local government archives account as prescribed in RCW ((36.22.170)) 40.14.024 for maintenance and operation of the specialized regional archive facility located in eastern Washington and fifty percent of the surcharge authorized by this section shall be reverted to the ((state treasurer for deposit in the public records efficiency, preservation, and access account to serve the archives, records management, and digital data management needs of local government, except that the state treasurer shall not revert funds to the centennial document preservation and modernization account and to the public records efficiency, preservation, and access account if fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the Washington state heritage center)) account created in section 9 of this act for payment of the financing contract entered into by the secretary of state for the Washington state library-archives building.~~

(4) In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the local government archives account under RCW 40.14.024 to be used exclusively for the competitive grant program in RCW 40.14.026, and for the attorney general's consultation program and state archivist's training services authorized in RCW 42.56.570.

Sec. 5. RCW 36.22.175 and 2011 1st sp.s. c 50 s 931 are each amended to read as follows:

(1)(a) In addition to any other charge authorized by law, the county auditor shall charge a surcharge of one dollar

per instrument for each document recorded. Revenue generated through this surcharge shall be transmitted monthly to the state treasurer for deposit in the local government archives account under RCW 40.14.024. These funds shall be used solely for providing records scheduling, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management.

(b) The division of archives and records management within the office of the secretary of state shall provide records management training for local governments and shall establish a competitive grant program to solicit and prioritize project proposals from local governments for potential funding to be paid for by funds from the auditor surcharge and tax warrant surcharge revenues. Application for specific projects may be made by local government agencies only. The state archivist in consultation with the advisory committee established under RCW 40.14.027 shall adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria including requirements for records management training for grant recipients.

(2) The advisory committee established under RCW 40.14.027 shall review grant proposals and establish a prioritized list of projects to be considered for funding by January 1st of each even-numbered year, beginning in 2002. The evaluation of proposals and development of the prioritized list must be developed through open public meetings. Funding for projects shall be granted according to the ranking of each application on the prioritized list and projects will be funded only to the extent that funds are available. A grant award may have an effective date other than the date the project is placed on the prioritized list.

(3)((a)) In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded after January 1, 2002. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the ((local government archives account under RCW 40.14.024 to be used exclusively for: (i) The construction and improvement of a specialized regional facility located in eastern Washington designed to serve the archives, records management, and digital data management needs of local government; and (ii) payment of the certificate of participation issued for the Washington state heritage center to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the certificate of participation.

~~(b) To the extent the facilities are used for the storage and retrieval of state agency records and digital data, that portion of the construction of such facilities used for state government records and data shall be supported by other charges and fees paid by state agencies and shall not be supported by the surcharge authorized in this subsection, except that to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments for the Washington state heritage center, the local government~~

archives account under RCW 40.14.024 may be used for the Washington state heritage center.

(e) ~~At such time that all debt service from construction of the specialized regional archive facility located in eastern Washington has been paid,)~~ following accounts, fifty percent of the surcharge authorized by this subsection shall be reverted to the ~~((centennial document preservation and modernization))~~ local government archives account as prescribed in RCW ~~((36.22.170))~~ 40.14.024 for maintenance and operation of the specialized regional archive facility located in eastern Washington and fifty percent of the surcharge authorized by this section shall be reverted to the ~~((state treasurer for deposit in the public records efficiency, preservation, and access account to serve the archives, records management, and digital data management needs of local government, except that the state treasurer shall not revert funds to the centennial document preservation and modernization account and to the public records efficiency, preservation, and access account if fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the Washington state heritage center))~~ account created in section 9 of this act for payment of the financing contract entered into by the secretary of state for the Washington state library-archives building.

Sec. 6. RCW 43.07.128 and 2007 c 523 s 1 are each amended to read as follows:

(1) In addition to other required filing fees, the secretary of state shall collect a fee of five dollars at the time of filing for:

(a) Articles of incorporation for domestic corporations or applications for certificates of authority for foreign corporations under Title 23B RCW;

(b) Certificates of formation for domestic limited liability companies or registrations of foreign limited liability companies under chapter 25.15 RCW;

(c) Registrations of foreign and domestic partnerships and limited liability partnerships under chapter 25.05 RCW;

(d) Certificates of limited partnership~~(([s]))~~ and registration~~(([s]))~~ of foreign limited partnerships under chapter 25.10 RCW; and

(e) Registrations of trademarks under chapter 19.77 RCW.

(2) Moneys received under subsection (1) of this section must be deposited into the ~~((Washington state heritage center))~~ library operations account created in RCW 43.07.129.

Sec. 7. RCW 43.07.129 and 2012 2nd sp.s. c 7 s 917 are each amended to read as follows:

The Washington state ~~((heritage center))~~ library operations account is created in the custody of the state treasurer. All moneys received under RCW 36.18.010(11)

and 43.07.128 must be deposited in the account. Expenditures from the account may be made only for the following purposes:

(1) Payment of the ~~((certificate of participation issued))~~ financing contract entered into by the secretary of state for the Washington state ~~((heritage center))~~ library-archives building;

(2) Capital maintenance of the Washington state ~~((heritage center))~~ library-archives building and the specialized regional facility located in eastern Washington designed to serve the archives, records management, and digital data management needs of local government; and

(3) Program operations that serve the public, relate to the collections and exhibits housed in the Washington state ~~((heritage center))~~ library-archives building, or fulfill the missions of the state archives~~((,))~~ and state library~~((, and capital museum))~~.

Only the secretary of state or the secretary of state's designee may authorize expenditures from the account. An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW. ~~((During the 2011-2013 fiscal biennium, the legislature may appropriate from the Washington state heritage center account for the purposes of state arts, historical, and library programs. Additionally, during the 2011-2013 fiscal biennium, the legislature may transfer from the Washington state heritage center account to the state general fund such amounts as reflect the excess fund balance of the fund.))~~

Sec. 8. RCW 43.07.370 and 2009 c 71 s 1 are each amended to read as follows:

(1) The secretary of state may solicit and accept gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend these donations or the proceeds, rents, profits, and income from the donations except as limited by the donor's terms.

(2) Moneys received under this section may be used only for the following purposes:

(a) Conducting the Washington state legacy project;

(b) Archival activities;

(c) Washington state library activities;

(d) Development, construction, and operation of the Washington state ~~((heritage center))~~ library-archives building; and

(e) Donation of Washington state flags.

(3)(a) Moneys received under subsection (2)(a) through (c) of this section must be deposited in the Washington state legacy project, state library, and archives account established in RCW 43.07.380.

(b) Moneys received under subsection (2)(d) of this section must be deposited in the Washington state ~~((heritage~~

~~center~~) library-archives building account created in ((RCW 43.07.129)) section 9 of this act.

(c) Moneys received under subsection (2)(e) of this section must be deposited in the Washington state flag account created in RCW 43.07.388.

(4) The secretary of state shall adopt rules to govern and protect the receipt and expenditure of the proceeds.

NEW SECTION. Sec. 9. A new section is added to chapter 43.07 RCW to read as follows:

The Washington state library-archives building account is created in the custody of the state treasurer. All moneys received under RCW 36.18.010(12), 36.22.175(3), and 43.07.370(3) must be deposited in the account. Expenditures from the account may be made only for the purposes of payment of the financing contract entered into by the secretary of state for the Washington state library-archives building. Only the secretary of state or the secretary of state's designee may authorize expenditures from the account. An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW.

Sec. 10. RCW 43.79A.040 and 2018 c 260 s 28, 2018 c 258 s 4, and 2018 c 127 s 6 are each reenacted and amended to read as follows:

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

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

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

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

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington advanced college

tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state (~~heritage center~~) library-archives building account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, ((~~the~~)) the public employees' and retirees' insurance account, ((~~the~~)) the school employees' insurance account, ((~~and~~)) the radiation perpetual maintenance fund, and the library operations account.

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

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

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

NEW SECTION. **Sec. 11.** Section 4 of this act expires June 30, 2020.

NEW SECTION. **Sec. 12.** Section 5 of this act takes effect June 30, 2020."

On page 1, line 3 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 36.18.010, 36.22.175, 36.22.175, 43.07.128, 43.07.129, and 43.07.370; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.07 RCW; creating a new section; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2015 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Doglio and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2015, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2015, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin,

Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Morris, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie and Ybarra.

Voting nay: Representatives Dufault, Leavitt, Mead, Orcutt, Paul and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2015, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE HOUSE BILL NO. 2015 was immediately transmitted to the Senate.

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

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

MOTION

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1368 and the bill was placed on the second reading calendar.

There being no objection, the House adjourned until 9:00 a.m., April 26, 2019, the 103rd Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk