

EIGHTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Friday, April 12, 2019

The Senate was called to order at 9:16 a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all senators were present with the exception of Senators Bailey, McCoy and Wilson, L.

The Sergeant at Arms Color Guard consisting of Pages Mr. Ian Fischer and Miss Hogan McCale, presented the Colors. Page Miss Mary-Boyde Funches led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Elizabeth Ullery Swenson, Wildwood Gathering, Church of the Brethren, Olympia.

The President called upon the Secretary to read the journal of the preceding day.

MOTION

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

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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

MOTION

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

April 9, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFF A. PATNODE, reappointed April 16, 2019, for the term ending April 15, 2024, as Member of the Indeterminate Sentence Review Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services, Reentry & Rehabilitation as Senate Gubernatorial Appointment No. 9290.

MOTION

On motion of Senator Liias, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MESSAGE FROM OTHER STATE OFFICERS

**Children, Youth, and Families, Department of** – “*Child Fatality Report, July - September 2018*” pursuant to 74.13.640 RCW;

**Commerce, Department of** – “*Inventory of State-Owned Real Properties and Recommendations*”, pursuant to 43.63A.510 RCW; “*Quixote Village -- From Tent City to Tiny Home Village: Five-Year Report to the Washington State Legislature on Costs and Outcomes*”, in accordance with Engrossed Senate Bill No. 6074;

**Social & Health Services, Department of** – “*Violations, Penalties, and Actions Relating to Persons on Conditional Release to a Less Restrictive Placement, 2018 Report*”, pursuant to 71.09.325 RCW.

The reports listed were submitted to the Secretary of the Senate and made available online by the Office of the Secretary.

MOTION

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

MESSAGES FROM THE HOUSE

April 11, 2019

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5124,  
SUBSTITUTE SENATE BILL NO. 5175,  
SUBSTITUTE SENATE BILL NO. 5305,  
SECOND SUBSTITUTE SENATE BILL NO. 5352,  
SUBSTITUTE SENATE BILL NO. 5461,  
SUBSTITUTE SENATE BILL NO. 5612,  
SENATE BILL NO. 5786,  
SENATE BILL NO. 5831,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5959,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 11, 2019

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5002,  
SENATE BILL NO. 5162,  
SENATE BILL NO. 5177,  
SENATE BILL NO. 5207,  
SENATE BILL NO. 5230,  
SUBSTITUTE SENATE BILL NO. 5265,  
SUBSTITUTE SENATE BILL NO. 5355,  
SENATE BILL NO. 5398,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5480,  
SUBSTITUTE SENATE BILL NO. 5588,  
SUBSTITUTE SENATE BILL NO. 5710,  
SENATE BILL NO. 5895,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6010 by Senator Lovelett

AN ACT Relating to creating a civil infraction for modification of a motor vehicle with the intent to increase the amount of smoke or soot emitted from the vehicle's exhaust system; adding a new section to chapter 46.37 RCW; and prescribing penalties.

Referred to Committee on Transportation.

#### MOTION

On motion of Senator Liias, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

#### MOTION

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

#### MOTION

Senator Ericksen moved adoption of the following resolution:

#### SENATE RESOLUTION 8615

By Senators Ericksen, Nguyen, Bailey, Keiser, Takko, Hunt, Carlyle, Dhingra, Braun, Randall, Brown, Wagoner, Rivers, Walsh, Cleveland, Wilson, L., Hawkins, Warnick, Holy, Zeiger, Honeyford, Padden, Fortunato, Short, Schoesler, King, and Hasegawa

WHEREAS, Taiwan shares a historical and close relationship marked by strong bilateral trade, educational and cultural exchanges, and tourism with the United States and the State of Washington; and

WHEREAS, Taiwan, the United States, and the State of Washington all cherish dearly the common values of freedom, democracy, human rights, and the rule of law; and

WHEREAS, The United States is Taiwan's second largest trading partner and the second largest destination of Taiwan's outward investment, while Taiwan is the tenth largest trading partner of the United States, with bilateral trade in goods and in services having reached 86.8 billion dollars in 2017; and

WHEREAS, Taiwan and the State of Washington have enjoyed a long and mutually beneficial relationship with the prospect of further growth, and Taiwan was Washington's sixth largest export destination in 2017; and

WHEREAS, Taiwan is the seventh largest export destination for United States agricultural goods, and has traditionally ranked among the top three importers of Washington wheat; and

WHEREAS, The State of Washington welcomes opportunities for an even closer economic partnership to increase trade and investment through agreements between the United States and Taiwan to boost stronger exports from Washington to Taiwan and create greater benefits for all citizens of Washington; and

WHEREAS, This year marks the fortieth anniversary of the enactment of the Taiwan Relations Act, which codified in law the legal basis for continued commercial and cultural relations between the United States and Taiwan; and

WHEREAS, Taiwan, as a willing and contributing member of the world community, has worked with the United States to address regional and global challenges under the mechanism of the United States-Taiwan Global Cooperation and Training Framework, and jointly conducted capacity building programs for regional experts in areas of public health, women empowerment, energy efficiency, and bridging digital gaps; and

WHEREAS, Taiwan has proven to be a valuable contributor in a broad range of global issues, through providing humanitarian assistance/disaster relief, safeguarding cybersecurity, fighting against terrorism, and jointly tackling transnational crime; and

WHEREAS, It is appropriate that Taiwan be permitted meaningful participation in various international organizations that impact public health, international safety, and the global environment, including the World Health Organization, the International Civil Aviation Organization, the United Nations Framework Convention on Climate Change, and the International Criminal Police Organization;

NOW, THEREFORE, BE IT RESOLVED: (1) That the Washington State Senate reaffirms its commitment to the strong and deepening relationship between the people of Taiwan and the State of Washington; and (2) That the Washington State Senate supports Taiwan's participation in international organizations that impact the global trade, health, safety, and the well-being of the twenty-three million people in Taiwan; and (3) That the Washington State Senate welcomes the periodic trade talks under the United States-Taiwan Trade and Investment Framework Agreement, and the signing of bilateral trade agreements between the United States and Taiwan in the process of closer economic integration.

Senators Ericksen, King, Honeyford, Dhingra, Rivers, Brown, Wagoner, Becker, Hasegawa and Wilson, C. spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8615.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Mr. Alex Kou-shu Fan, Director-General, Taipei Economic and Cultural Office in Seattle; Commissioner James Chen; Ms. Margie Wang, Coordinator; and Ms. Shaio-Yen Wu, Senior Advisor, representing the Overseas Community Affairs Council, Republic of China (Taiwan), who were seated in the gallery and recognized by the senate.

#### MOTION

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

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Billig moved that Carol McVicker, Senate Gubernatorial Appointment No. 9170, be confirmed as a member of the State Board for Community and Technical Colleges.

Senators Billig and Padden spoke in favor of passage of the motion.

#### MOTIONS

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On motion of Senator Mullet, Senators Carlyle and Nguyen were excused.

On motion of Senator Billig, Senator McCoy was excused.

On motion of Senator Rivers, Senators Bailey, Fortunato and Wilson, L. were excused.

APPOINTMENT OF CAROL MCVICKER

The President Pro Tempore declared the question before the Senate to be the confirmation of Carol McVicker, Senate Gubernatorial Appointment No. 9170, as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Carol McVicker, Senate Gubernatorial Appointment No. 9170, as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Excused: Senators Bailey, Carlyle, Fortunato, McCoy, Nguyen and Wilson, L.

Carol McVicker, Senate Gubernatorial Appointment No. 9170, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Liias moved that Hester Serebrin, Senate Gubernatorial Appointment No. 9019, be confirmed as a member of the Transportation Commission.

Senators Liias and King spoke in favor of passage of the motion.

APPOINTMENT OF HESTER SEREBRIN

The President Pro Tempore declared the question before the Senate to be the confirmation of Hester Serebrin, Senate Gubernatorial Appointment No. 9019, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Hester Serebrin, Senate Gubernatorial Appointment No. 9019, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senator Schoesler

Excused: Senators Bailey, Carlyle, Fortunato, McCoy, Nguyen and Wilson, L.

Hester Serebrin, Senate Gubernatorial Appointment No. 9019, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

MOTION

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

SECOND READING

HOUSE BILL NO. 1688, by Representatives Morgan, Sutherland, Leavitt, Gildon, Kilduff, Ryu and Doglio

Concerning resident student status as applied to veterans.

The measure was read the second time.

MOTION

On motion of Senator Randall, the rules were suspended, House Bill No. 1688 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and Holy spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1688.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1688 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Excused: Senators Bailey, Carlyle, Fortunato, McCoy, Nguyen and Wilson, L.

HOUSE BILL NO. 1688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed a group of nearly fifty high school seniors and others visiting the capitol during the 2<sup>nd</sup> Annual Washington State Science, Technology, Engineering, and Mathematics (STEM) Signing Day, April 12, 2019, in partnership with the Boeing Company who were seated in the gallery and recognized by the senate.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1578, by House Committee on Environment & Energy (originally sponsored by Lekanoff, Peterson, Doglio, Fitzgibbon, Shewmake, Robinson, Slatter, Valdez, Bergquist, Morris,

Stanford, Tharinger, Cody, Jinkins, Kloba, Pollet, Frame, Davis and Macri)

Reducing threats to southern resident killer whales by improving the safety of oil transportation.

The measure was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a variety of existing policies designed to reduce the risk of oil spills have helped contribute to a relatively strong safety record for oil moved by water, pipeline, and train in recent years in Washington state. Nevertheless, gaps exist in our safety regimen, especially deriving from shifts in the modes of overwater transportation of oil and the increased transport of oils that may submerge or sink, contributing to an unacceptable threat to Washington waters, where a catastrophic spill would inflict potentially irreversible damage on the endangered southern resident killer whales. In addition to the unique marine and cultural resources in Puget Sound that would be damaged by an oil spill, the geographic, bathometric, and other environmental peculiarities of Puget Sound present navigational challenges that heighten the risk of an oil spill incident occurring. Therefore, it is the intent of the legislature to enact certain new safety requirements designed to reduce the current, acute risk from existing infrastructure and activities of an oil spill that could eradicate our whales, violate the treaty interests and fishing rights of potentially affected federally recognized Indian tribes, damage commercial fishing prospects, undercut many aspects of the economy that depend on the Salish Sea, and otherwise harm the health and well-being of Washington residents. In enacting such measures, however, it is not the intent of the legislature to mitigate, offset, or otherwise encourage additional projects or activities that would increase the frequency or severity of oil spills in the Salish Sea. Furthermore, it is the intent of the legislature for this act to assist in coordinating enhanced international discussions among federal, state, provincial, first nation, federally recognized Indian tribe, and industry leaders in the United States and Canada to develop an agreement for an additional emergency rescue tug available to vessels in distress in the narrow Straits of the San Juan Islands and other boundary waters, which would lessen oil spill risks to the marine environment in both the United States and Canada.

**Sec. 2.** RCW 88.16.190 and 1994 c 52 s 1 are each amended to read as follows:

(1) Any oil tanker, whether enrolled or registered, of greater than one hundred ~~((and))~~ twenty-five thousand deadweight tons shall be prohibited from proceeding beyond a point east of a line extending from Discovery Island light south to New Dungeness light, unless authorized by the United States coast guard, pursuant to 33 C.F.R. Sec. 165.1303.

(2) ~~((An oil tanker, whether enrolled or registered, of forty to one hundred and twenty five thousand deadweight tons may proceed beyond the points enumerated in subsection (1) if such tanker possesses all of the following standard safety features:~~

~~(a) Shaft horsepower in the ratio of one horsepower to each two and one half deadweight tons; and~~

~~(b) Twin screws; and~~

~~(c) Double bottoms, underneath all oil and liquid cargo compartments; and~~

~~(d) Two radars in working order and operating, one of which must be collision avoidance radar; and~~

~~(e) Such other navigational position location systems as may be prescribed from time to time by the board of pilotage commissioners;~~

~~PROVIDED, That, if such forty to one hundred and twenty-five thousand deadweight ton tanker is in ballast or is under escort of a tug or tugs with an aggregate shaft horsepower equivalent to five percent of the deadweight tons of that tanker, subsection (2) of this section shall not apply: PROVIDED FURTHER, That additional tug shaft horsepower equivalencies may be required under certain conditions as established by rule and regulation of the Washington utilities and transportation commission pursuant to chapter 34.05 RCW: PROVIDED FURTHER, That)) (a)(i) An oil tanker of forty to one hundred twenty-five thousand deadweight tons may operate in the waters east of a line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area, including but not limited to the San Juan Islands and connected waterways and the waters south of Admiralty Inlet, to the extent that these waters are within the territorial boundaries of Washington, only if the oil tanker is under the escort of a tug or tugs that have an aggregate shaft horsepower equivalent to at least five percent of the deadweight tons of the escorted oil tanker.~~

~~(ii) Effective September 1, 2020, the following may operate in Rosario Strait and connected waterways to the east only if under the escort of a tug or tugs that have an aggregate shaft horsepower equivalent to at least five percent of the deadweight tons of a forty thousand deadweight ton oil tanker: (A) Oil tankers of between five thousand and forty thousand deadweight tons; and (B) both articulated tug barges and towed waterborne vessels or barges that are: (I) Designed to transport oil in bulk internal to the hull; and (II) greater than five thousand deadweight tons.~~

~~(iii) The requirements of (a)(ii) of this subsection: (A) Do not apply to vessels providing bunkering or refueling services; (B) do not apply to a towed general cargo deck barge; and (C) may be adjusted or suspended by rule by the board of pilotage commissioners, consistent with section 3(1)(c) of this act.~~

~~(b) An oil tanker, articulated tug barge, or towed waterborne vessel or barge in ballast or when unladen is not required to be under the escort of a tug.~~

~~(c) A tanker assigned a deadweight of less than forty thousand deadweight tons at the time of construction or reconstruction as reported in Lloyd's Register of Ships is not subject to the provisions of RCW 88.16.170 ~~((through 88.16.190))~~ and 88.16.180.~~

~~(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Articulated tug barge" means a tank barge and a towing vessel joined by hinged or articulated fixed mechanical equipment affixed or connecting to the stern of the tank barge.~~

~~(b) "Oil tanker" means a self-propelled deep draft tank vessel designed to transport oil in bulk. "Oil tanker" does not include an articulated tug barge tank vessel.~~

~~(c) "Towed general cargo deck barge" means a waterborne vessel or barge designed to carry cargo on deck.~~

~~(d) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of traveling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.~~

NEW SECTION. Sec. 3. A new section is added to chapter

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88.16 RCW to read as follows:

(1)(a) By December 31, 2025, the board of pilotage commissioners, in consultation with the department of ecology, must adopt rules regarding tug escorts to address the peculiarities of Puget Sound for the following:

(i) Oil tankers of between five thousand and forty thousand deadweight tons; and

(ii) Both articulated tug barges and towed waterborne vessels or barges that are: (A) Designed to transport oil in bulk internal to the hull; and (B) greater than five thousand deadweight tons.

(b) The requirements of this section do not apply to:

(i) A towed general cargo deck barge; or

(ii) A vessel providing bunkering or refueling services.

(c) The rule making pursuant to (a) of this subsection must be for operating in the waters east of the line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area. This rule making must address the tug escort requirements applicable to Rosario Strait and connected waterways to the east established in RCW 88.16.190(2)(a)(ii), and may adjust or suspend those requirements based on expertise developed under subsection (5) of this section.

(d) To achieve the rule adoption deadline in (a) of this subsection, the board of pilotage commissioners must adhere to the following interim milestones:

(i) By September 1, 2020, identify and define the zones, specified in subsection (3)(a) of this section, to inform the analysis required under subsection (5) of this section;

(ii) By December 31, 2021, complete a synopsis of changing vessel traffic trends; and

(iii) By September 1, 2023, consult with potentially affected federally recognized Indian treaty fishing tribes, other federally recognized treaty tribes with potentially affected interests, and stakeholders as required under subsection (6) of this section and complete the analysis required under subsection (5) of this section. By September 1, 2023, the department of ecology must submit a summary of the results of the analysis required under subsection (5) of this section to the legislature consistent with RCW 43.01.036.

(2) When developing rules, the board of pilotage commissioners must consider recommendations from potentially affected federally recognized Indian treaty fishing tribes, other federally recognized treaty tribes with potentially affected interests, and:

(a) The results of the most recently completed vessel traffic risk assessments;

(b) The report developed by the department of ecology as required under section 206, chapter 262, Laws of 2018;

(c) The recommendations included in the southern resident orca task force report, November 2018, and any subsequent research or reports on related topics;

(d) Changing vessel traffic trends, including the synopsis required under subsection (1)(d)(ii) of this section; and

(e) For any formally proposed draft rules or adopted rules, identified estimates of expected costs and benefits of the rule to:

(i) State government agencies to administer and enforce the rule; and

(ii) Private persons or businesses, by category of type of person or business affected.

(3) In the rules adopted under this section, the board of pilotage commissioners must:

(a) Base decisions for risk protection on geographic zones in the waters specified in subsection (1)(c) of this section. As the initial foci of the rules, the board of pilotage commissioners must equally prioritize geographic zones encompassing: (i) Rosario

Strait and connected waterways to the east; and (ii) Haro Strait and Boundary Pass;

(b) Specify operational requirements, such as tethering, for tug escorts;

(c) Include functionality requirements for tug escorts, such as aggregate shaft horsepower for tethered tug escorts;

(d) Be designed to achieve best achievable protection, as defined in RCW 88.46.010, as informed by consideration of:

(i) Accident records in British Columbia and Washington waters;

(ii) Existing propulsion and design standards for covered tank vessels; and

(iii) The characteristics of the waterways; and

(e) Publish a document that identifies the sources of information that it relied upon in developing the rules, including any sources of peer-reviewed science and information submitted by tribes.

(4) The rules adopted under this section may not require oil tankers, articulated tug barges, or towed waterborne vessels or barges to be under the escort of a tug when these vessels are in ballast or are unladen.

(5) To inform rule making, the board of pilotage commissioners must conduct an analysis of tug escorts using the model developed by the department of ecology under section 4 of this act. The board of pilotage commissioners may:

(a) Develop scenarios and subsets of oil tankers, articulated tug barges, and towed waterborne vessels or barges that could preclude requirements from being imposed under the rule making for a given zone or vessel;

(b) Consider the benefits of vessel safety measures that are newly in effect on or after July 1, 2019, and prior to the adoption of rules under this section; and

(c) Enter into an interagency agreement with the department of ecology to assist with conducting the analysis and developing the rules, subject to each of the requirements of this section.

(6) The board of pilotage commissioners must consult with the United States coast guard, the Puget Sound harbor safety committee, potentially affected federally recognized Indian treaty fishing tribes, other federally recognized treaty tribes with potentially affected interests, ports, local governments, state agencies, and other appropriate entities before adopting tug escort rules applicable to any portion of Puget Sound. Considering relevant information elicited during the consultations required under this subsection, the board of pilotage commissioners must also design the rules with a goal of avoiding or minimizing additional underwater noise from vessels in the Salish Sea, focusing vessel traffic into established shipping lanes, protecting and minimizing vessel traffic impacts to established treaty fishing areas, and respecting and preserving the treaty-protected interests and fishing rights of potentially affected federally recognized Indian tribes.

(7) Rules adopted under this section must be periodically updated consistent with section 5 of this act.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Articulated tug barge" means a tank barge and a towing vessel joined by hinged or articulated fixed mechanical equipment affixed or connecting to the stern of the tank barge.

(b) "Oil tanker" means a self-propelled deep draft tank vessel designed to transport oil in bulk. "Oil tanker" does not include an articulated tug barge tank vessel.

(c) "Towed general cargo deck barge" means a waterborne vessel or barge designed to carry cargo on deck.

(d) "Waterborne vessels or barges" means any ship, barge, or other watercraft capable of traveling on the navigable waters of

this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

**NEW SECTION. Sec. 4.** A new section is added to chapter 88.46 RCW to read as follows:

(1) The department must develop and maintain a model to quantitatively assess current and potential future risks of oil spills from covered vessels in Washington waters, as it conducts ongoing oil spill risk assessments. The department must consult with the United States coast guard, potentially affected federally recognized Indian treaty fishing tribes, other federally recognized treaty tribes with potentially affected interests, and stakeholders to: Determine model assumptions; develop scenarios to show the likely impacts of changes to model assumptions, including potential changes in vessel traffic, commodities transported, and vessel safety and risk reduction measures; and update the model periodically.

(2) Utilizing the model pursuant to subsection (1) of this section, the department must quantitatively assess whether an emergency response towing vessel serving Haro Strait, Boundary Pass, Rosario Strait, and connected navigable waterways will reduce oil spill risk. The department must report its findings to the legislature by September 1, 2023.

**NEW SECTION. Sec. 5.** A new section is added to chapter 88.46 RCW to read as follows:

(1) By October 1, 2028, and no less often than every ten years thereafter, the board of pilotage commissioners and the department must together consider:

(a) The effects of rules established under RCW 88.16.190 and section 3 of this act on vessel traffic patterns and oil spill risks in the Salish Sea. Factors considered must include modeling developed by the department under section 4 of this act and may include: (i) Vessel traffic data; (ii) vessel accident and incident data, such as incidents where tug escorts or an emergency response towing vessel acted to reduce spill risks; and (iii) consultation with the United States coast guard, potentially affected federally recognized Indian treaty fishing tribes, other federally recognized treaty tribes with potentially affected interests, and stakeholders; and

(b) Whether experienced or forecasted changes to vessel traffic patterns or oil spill risk in the Salish Sea necessitate an update to the tug escort rules adopted under section 3 of this act.

(2) In the event that the board of pilotage commissioners determines that updates are merited to the rules, the board must notify the appropriate standing committees of the house of representatives and the senate, and must thereafter adopt rules consistent with the requirements of section 3 of this act, including the consultation process outlined in section 3(6) of this act.

**Sec. 6.** RCW 88.46.240 and 2018 c 262 s 204 are each amended to read as follows:

(1) The department must establish the Salish Sea shared waters forum to address common issues in the cross-boundary waterways between Washington state and British Columbia such as: Enhancing efforts to reduce oil spill risk; addressing navigational safety; and promoting data sharing.

(2) The department must:

(a) Coordinate with provincial and federal Canadian agencies when establishing the Salish Sea shared waters forum; and

(b) Seek participation from each potentially affected federally recognized Indian treaty fishing tribe, other federally recognized treaty tribes with potentially affected interests, first nations, and stakeholders that, at minimum, includes representatives of the following: State, provincial, and federal governmental entities, regulated entities, and environmental organizations~~(tribes, and~~

~~first nations~~)).

(3) The Salish Sea shared waters forum must meet at least once per year to consider the following:

(a) Gaps and conflicts in oil spill policies, regulations, and laws;

(b) Opportunities to reduce oil spill risk, including requiring tug escorts for oil tankers, articulated tug barges, and ~~(other)~~ towed waterborne vessels or barges;

(c) Enhancing oil spill prevention, preparedness, and response capacity; ~~(and)~~

(d) Beginning in 2019, whether an emergency response system in Haro Strait, Boundary Pass, and Rosario Strait~~(similar to the system implemented by the maritime industry pursuant to RCW 88.46.130.)~~ will decrease oil spill risk ~~(and how to fund such a shared system)~~. In advance of the 2019 meeting, the department must discuss the options of an emergency response system with organizations such as, but not limited to, the coast Salish gathering, which provides a transboundary natural resource policy dialogue of elected officials representing federal, state, provincial, first nations, and tribal governments within the Salish Sea; and

(e) The impacts of vessel traffic on treaty-protected fishing.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Articulated tug barge" means a tank barge and a towing vessel joined by hinged or articulated fixed mechanical equipment affixed or connecting to the stern of the tank barge.

(b) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of traveling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

(5) This section expires July 1, 2021.

**Sec. 7.** RCW 90.56.565 and 2015 c 274 s 8 are each amended to read as follows:

(1)(a) A facility that receives crude oil from a railroad car must provide advance notice to the department that the facility will receive crude oil from a railroad car, as provided in this section. The advance notice must include the route taken to the facility within the state, if known, and the scheduled time, location, volume, region per bill of lading, type, and gravity as measured by standards developed by the American petroleum institute, of crude oil received. Each week, a facility that provides advance notice under this section must provide the required information regarding the scheduled arrival of railroad cars carrying crude oil to be received by the facility in the succeeding seven-day period. A facility is not required to provide advance notice when there is no receipt of crude oil from a railroad car scheduled for a seven-day period.

(b) Twice per year, pipelines that transport crude oil must report to the department the following information about the crude oil transported by the pipeline through the state: The volume of crude oil, gravity of the crude oil as measured by standards developed by the American petroleum institute, type of crude oil, and the state or province of origin of the crude oil. This report must be submitted each year by July 31st for the period January 1st through June 30th and by January 31st for the period July 1st through December 31st.

(2) The department may share information provided by a facility through the advance notice system established in this section with the state emergency management division and any county, city, tribal, port, or local government emergency response agency upon request.

(3) The department must publish information collected under this section on a quarterly basis on the department's internet web

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site. With respect to the information reported under subsection (1)(a) of this section, the information published by the department must be aggregated on a statewide basis by route through the state, by week, and by type of crude oil. The report may also include other information available to the department including, but not limited to, place of origin, modes of transport, number of railroad cars delivering crude oil, and number and volume of spills during transport and delivery.

(4) A facility providing advance notice under this section is not responsible for meeting advance notice time frame requirements under subsection (1) of this section in the event that the schedule of arrivals of railroad cars carrying crude oil changes during a seven-day period.

(5) Consistent with the requirements of chapter 42.56 RCW, the department and any state, local, tribal, or public agency that receives information provided under this section may not disclose any such information to the public or to nongovernmental entities that contains proprietary, commercial, or financial information unless that information is aggregated. The requirement for aggregating information does not apply when information is shared by the department with emergency response agencies as provided in subsection (2) of this section.

(6) The department shall adopt rules to implement this section. The advance notice system required in this section must be consistent with the oil transfer reporting system adopted by the department pursuant to RCW 88.46.165.

**Sec. 8.** RCW 88.46.165 and 2006 c 316 s 1 are each amended to read as follows:

(1) The department's rules authorized under RCW 88.46.160 and this section shall be scaled to the risk posed to people and to the environment, and be categorized by type of transfer, volume of oil, frequency of transfers, and such other risk factors as identified by the department.

(2) The rules may require prior notice be provided before an oil transfer, regulated under this chapter, occurs in situations defined by the department as posing a higher risk. The notice may include the time, location, and volume of the oil transfer, as well as the region per bill of lading, gravity as measured by standards developed by the American petroleum institute, and type of crude oil. The rules may not require prior notice when marine fuel outlets are transferring less than three thousand gallons of oil in a single transaction to a ship that is not a covered vessel and the transfers are scheduled less than four hours in advance.

(3) The department may require semiannual reporting of volumes of oil transferred to ships by a marine fuel outlet.

(4) The rules may require additional measures to be taken in conjunction with the deployment of containment equipment or with the alternatives to deploying containment equipment. However, these measures must be scaled appropriately to the risks posed by the oil transfer.

(5) The rules shall include regulations to enhance the safety of oil transfers over water originating from vehicles transporting oil over private roads or highways of the state.

**NEW SECTION. Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 88.16.190, 88.46.240, 90.56.565, and 88.46.165; adding a new section to chapter 88.16 RCW; adding new sections to chapter 88.46 RCW; and creating a new section."

MOTION

Senator Van De Wege moved that the following amendment no. 542 by Senator Van De Wege be adopted:

On page 9, line 8, after "with" insert "all potentially affected federally recognized Indian treaty tribes and, as relevant, with"

Senator Van De Wege spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 542 on page 9, line 8 by Senator Van De Wege to the committee striking amendment.

The motion by Senator Van De Wege carried and amendment no. 542 was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 1578.

The motion by Senator Van De Wege carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute House Bill No. 1578 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Lovelett spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1578 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1578 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Holy, Honeyford, King, Padden, Schoesler, Short, Wagoner, Walsh and Warnick

Excused: Senators Bailey, Fortunato, McCoy and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1578, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1621, by House Committee on Education (originally sponsored by Ybarra, Steele, Santos, Harris, Bergquist, Ortiz-Self and Jinkins)

Concerning basic skills assessments for approved teacher

preparation programs.

ROLL CALL

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1621 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Mullet, Senators Carlyle and Nguyen were excused.

Senator Mullet spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1621.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1621 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker and Mullet

Excused: Senators Bailey, Carlyle, McCoy, Nguyen and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1563, by Representatives Jenkin, Blake, Vick, Dent, Young, Kloba, MacEwen and Wylie

Concerning liquor-related privileges of students enrolled in certain degree programs.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed House Bill No. 1563 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 1563.

The Secretary called the roll on the final passage of Engrossed House Bill No. 1563 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Bailey, Carlyle, McCoy, Nguyen and Wilson, L.

ENGROSSED HOUSE BILL NO. 1563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:25 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

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AFTERNOON SESSION

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The Senate was called to order at 1:30 p.m. by Vice President Pro Tempore Conway.

MOTION

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

PERSONAL PRIVILEGE

Senator Schoesler: “Thank you Mr. President. It’s my pleasure to welcome our colleague Senator Wilson, ‘L’ back today. Wishing her the very best as she rejoins us today. Thank you.”

PERSONAL PRIVILEGE

Senator Billig: “Thank you. And, on behalf of the Senate Democratic Caucus, also wanted to welcome Senator Wilson back and glad that you’ve made such a strong recovery. You look great and we are just so glad to have you here. And we wanted to invite you, we understand that there was a very nice moment, an ovation, in the Senate Republican Caucus, and we would like to invite you to our caucus when we next go to caucus. And we would like to have you in there as well. Thank you.”

PERSONAL PRIVILEGE

Senator Wilson, L.: “Thank you. I do want to thank you all. It’s been quite a trying the last six months but I have felt so much support from all of you and I’m kind of turning, sorry, that it’s been very helpful for me in my recovery and the entire process that I’ve gone through. I’ve learned so much. I so appreciate the thoughts and the prayers and the tweets and the pictures, absolutely. I mean, you know, I’m sitting at home in my recliner watching you all from T.V.W. and seeing you. And all the pink that was going on on Wednesdays and I just the support means a



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lot and I'm just hoping that, and part of the reason why I did this, and went public with it the way I did, was because I wanted women to understand that if you're going through it, and I've seen so many women now that have been recently diagnosed, it's like, it doesn't have to be awful. You can get through this, you know, with the support of everyone and it's just, it's tough but we can do it. And we know women are strong. We can do this. So, anyway, thank you all so much and the flowers and everything."

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wellman moved that Shiv Batra, Gubernatorial Appointment No. 9023, be confirmed as a member of the Transportation Commission.

Senator Wellman spoke in favor of the motion.

MOTION

On motion of Senator Rivers, Senator Holy was excused.

APPOINTMENT OF SHIV BATRA

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Shiv Batra, Gubernatorial Appointment No. 9023, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Shiv Batra, Gubernatorial Appointment No. 9023, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey, Holy and McCoy

Shiv Batra, Gubernatorial Appointment No. 9023, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1130, by House Committee on Education (originally sponsored by Orwall, McCaslin, Pollet, Ryu, Lovick, Stanford and Valdez)

Addressing language access in public schools.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) It is the policy of the state to welcome and encourage the presence of diverse cultures and the use of diverse languages and modalities of communication in business, government, and private affairs in this state;

(2) Washington public schools' ability to effectively communicate with students and their family members who have language access barriers impacts the schools' ability to engage students and families effectively in the education process and contributes to inequalities and increased gaps in student achievement;

(3) Effective communication is not taking place for a variety of reasons, including: (a) Some school districts do not consistently assess the language needs of their communities or consistently evaluate the effectiveness of their language access services; (b) resources, including time and money, are often not prioritized to engage families with language access barriers; and even when language access is a priority, some districts do not know the best practices for engaging families with language access barriers; (c) school staff are often not trained on how to engage families with language access barriers, how to engage and use interpreters, or when to provide translated documents; and (d) there are not enough interpreters qualified to work in educational settings; and

(4) Providing meaningful, equitable access to students and their family members who have language access barriers will not only help schools meet their civil rights obligations, but will help students meet the state's basic education goals under RCW 28A.150.210 resulting in a decrease in the educational opportunity gap between learners with language access barriers and other students, because student outcomes improve when families are engaged in the student's education.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction and the office of the education ombuds must jointly convene a work group to improve meaningful, equitable access for public school students and their family members who have language access barriers.

(2) The work group must advise the office of the superintendent of public instruction and the Washington state school directors' association on the following topics:

(a) The elements of an effective language access program for systemic family engagement and a plan for the implementation of this program;

(b) The components of a technical assistance program for language access and a plan for the implementation of this program;

(c) The development and sharing of a tool kit to help public schools:

(i) Assess the language needs of their communities; and

(ii) Develop, implement, and evaluate their language access plans and language services;

(d) The development and sharing of educational terminology glossaries that improve all families' access to the public school system; and

(e) The development and sharing of best practices or strategies for improving meaningful, equitable access for public school

students and their family members who have language access barriers, including effective use of interpreters and when to provide translated documents in other formats.

(3) The work group must develop recommendations for practices and policies that should be adopted at the state or local level to improve meaningful, equitable access for public school students and their family members who have language access barriers, including recommendations on the following topics:

(a) Standards for interpreters working in education settings, including familiarity with legal concepts related to, and service requirements of, Part B of the federal individuals with disabilities education improvement act and section 504 of the federal rehabilitation act of 1973;

(b) Development and assessment of interpreters' knowledge of education terminology;

(c) The feasibility and cost-effectiveness of adapting another state agency's interpreter program to test, train, or both, interpreters for educational purposes;

(d) Updates to the Washington state school directors' association's model language access policy;

(e) Use of remote interpreter services, including the conditions under which remote interpreter services may be used to provide high quality interpreter services; and

(f) Data collection and use necessary to create and improve state and local language access programs.

(4) The office of the superintendent of public instruction and the office of the education ombuds must select up to twenty-five work group members who:

(a) Are geographically diverse and represent people with a variety of language access barriers; and

(b) Represent the following groups: The educational opportunity gap oversight and accountability committee; the state school for the blind; the childhood center for deafness and hearing loss; the special education advisory council at the office of the superintendent of public instruction; the Washington state school directors' association; a state association of teachers; a state association of principals; a state association of parents; the Washington state commissions on African-American affairs, Asian Pacific American affairs, and Hispanic affairs; the governor's office of Indian affairs; interpreters working in education settings; interpreter unions; families with language access barriers; and community-based organizations supporting families with language access barriers.

(5) The office of the superintendent of public instruction and the office of the education ombuds must provide staff support to the work group.

(6) The work group may form subcommittees and consult with necessary experts.

(7) By October 1, 2020, and in compliance with RCW 43.01.036, the work group must report its findings and recommendations to the appropriate committees of the legislature.

(8) This section expires December 31, 2020.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) Beginning in the 2019-20 school year, school districts must document the language in which families of special education students prefer to communicate and whether a qualified interpreter for the student's family was provided at any planning meeting related to a student's individualized education program or plan developed under section 504 of the rehabilitation act of 1973 and meetings related to school discipline and truancy.

(2) For the purposes of this section, "qualified interpreter" means someone who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any

necessary specialized vocabulary."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.155 RCW; creating a new section; and providing an expiration date."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1130.

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

#### MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 1130 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1130 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1130 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Froct, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey and McCoy

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1130, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Liias and without objection, Substitute House Bill No. 1658 and Engrossed Substitute House Bill No. 1880 were removed from the Consent Calendar and placed on the day's 2<sup>nd</sup> Reading Calendar.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1846, by Representatives Paul, Walsh and Shewmake

Making a technical correction for the disposition of off-road vehicle moneys.

The measure was read the second time.

#### MOTION

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On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 1846 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 1846.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1846 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey and McCoy

ENGROSSED HOUSE BILL NO. 1846, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1049, by House Committee on Civil Rights & Judiciary (originally sponsored by Macri, Stokesbary, Riccelli, Jinkins, Tharinger, Slatter, Caldier, Appleton, Wylie, Cody, Doglio and Stonier)

Concerning health care provider and health care facility whistleblower protections.

The measure was read the second time.

## MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1049.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1049 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes,

Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey and McCoy

SUBSTITUTE HOUSE BILL NO. 1049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Wilson, C., Senator Kuderer was excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1930, by House Committee on Labor & Workplace Standards (originally sponsored by Doglio, Dolan, Jinkins, Reeves, Shewmake, Stanford, Pollet, Macri, Senn and Ormsby)

Concerning reasonable accommodation for the expression of breast milk in the workplace.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1930 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1930.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1930 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Liias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey, Kuderer and McCoy

SUBSTITUTE HOUSE BILL NO. 1930, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1517, by House Committee on Appropriations (originally sponsored by Goodman, Mosbrucker, Orwall, Griffey, Lovick, Davis, Appleton, Pettigrew, Pellicciotti, Kilduff and Valdez)

Concerning domestic violence.

The measure was read the second time.

#### MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

#### "PART I - LEGISLATIVE FINDINGS

**NEW SECTION. Sec. 101.** The legislature recognizes that domestic violence treatment has been the most common, and sometimes only, legal response in domestic violence cases. There is a growing concern about the "one size fits all" approach for domestic violence misdemeanors, felonies, and other cases. In 2012, the legislature directed the Washington state institute for public policy to update its analysis of the scientific literature on domestic violence treatment. The institute found traditional domestic violence treatment to be ineffective. Treatment needs to be differentiated and grounded in science, risk, and long-term evaluation. The institute's findings coincided with a wave of federal, state, and local reports highlighting concerns with the efficacy of traditional domestic violence treatment. A new approach was needed to reduce recidivism by domestic violence offenders, provide both victims and offenders with meaningful answers about what works, and close critical safety gaps. Subsequently, the legislature directed the gender and justice commission to establish work groups and make recommendations to improve domestic violence treatment and risk assessments. The work group recommended establishing sentencing alternatives for domestic violence offenders, integrated systems response, and domestic violence risk assessments. During this time, the department of social and health services repealed the administrative codes for domestic violence treatment, and issued new codes grounded in a differentiated approach and evidence-based practice. There is no easy answer to what works to reduce domestic violence recidivism, and offenders often present with co-occurring substance abuse and mental health issues, but new administrative codes and work group recommendations reflect the best available evidence in how best to respond and treat domestic violence criminal offenders.

Improving rehabilitation and treatment of domestic violence offenders, and those offenders with co-occurring substance and mental health issues, is critical, given how often practitioners and courts use treatment as the primary, and sometimes only, intervention for domestic violence. Given the pervasiveness of domestic violence and because of the link between domestic violence and many community issues including violent recidivism, victims and offenders are owed effective treatment and courts need better tools. State studies have found domestic violence crimes to be the most predictive of future violent crime.

The legislature intends to modify sentencing alternatives and other sentencing practices to require use of a validated risk assessment tool and domestic violence treatment certified under the Washington Administrative Code. These new practices should be consistently used when criminal conduct is based on domestic violence behavioral problems.

#### PART II - DEFINITION OF DOMESTIC VIOLENCE

**NEW SECTION. Sec. 201.** The legislature intends to distinguish between intimate partner violence and other

categories of domestic violence to facilitate discrete data analysis regarding domestic violence by judicial, criminal justice, and advocacy entities. The legislature does not intend for these modifications to definitions to substantively change the prosecution of, or penalties for, domestic violence, or the remedies available to potential petitioners under the current statutory scheme.

**NEW SECTION. Sec. 202.** A new section is added to chapter 10.01 RCW to read as follows:

Whenever a prosecutor, or the attorney general or assistants acting pursuant to RCW 10.01.190, institutes or conducts a criminal proceeding involving domestic violence as defined in RCW 10.99.020, the prosecutor, or attorney general or assistants, shall specify whether the victim and defendant are intimate partners or family or household members within the meaning of RCW 26.50.010.

**Sec. 203.** RCW 10.99.020 and 2004 c 18 s 2 are each amended to read as follows:

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

(1) "Agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

(2) "Association" means the Washington association of sheriffs and police chiefs.

(3) "Family or household members" means ~~((spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent child relationship, including stepparents and stepchildren and grandparents and grandchildren))~~ the same as in RCW 26.50.010.

(4) "Dating relationship" has the same meaning as in RCW 26.50.010.

(5) "Domestic violence" includes but is not limited to any of the following crimes when committed either by (a) one family or household member against another family or household member, or (b) one intimate partner against another intimate partner:

- ~~((a))~~ (i) Assault in the first degree (RCW 9A.36.011);
- ~~((b))~~ (ii) Assault in the second degree (RCW 9A.36.021);
- ~~((c))~~ (iii) Assault in the third degree (RCW 9A.36.031);
- ~~((d))~~ (iv) Assault in the fourth degree (RCW 9A.36.041);
- ~~((e))~~ (v) Drive-by shooting (RCW 9A.36.045);
- ~~((f))~~ (vi) Reckless endangerment (RCW 9A.36.050);
- ~~((g))~~ (vii) Coercion (RCW 9A.36.070);
- ~~((h))~~ (viii) Burglary in the first degree (RCW 9A.52.020);
- ~~((i))~~ (ix) Burglary in the second degree (RCW 9A.52.030);
- ~~((j))~~ (x) Criminal trespass in the first degree (RCW 9A.52.070);
- ~~((k))~~ (xi) Criminal trespass in the second degree (RCW 9A.52.080);
- ~~((l))~~ (xii) Malicious mischief in the first degree (RCW 9A.48.070);
- ~~((m))~~ (xiii) Malicious mischief in the second degree (RCW 9A.48.080);
- ~~((n))~~ (xiv) Malicious mischief in the third degree (RCW 9A.48.090);
- ~~((o))~~ (xv) Kidnapping in the first degree (RCW 9A.40.020);
- ~~((p))~~ (xvi) Kidnapping in the second degree (RCW

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9A.40.030);

~~((¶))~~ (xvii) Unlawful imprisonment (RCW 9A.40.040);

~~((¶))~~ (xviii) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, ~~((26.26.138))~~ 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);

~~((¶))~~ (xix) Rape in the first degree (RCW 9A.44.040);

~~((¶))~~ (xx) Rape in the second degree (RCW 9A.44.050);

~~((¶))~~ (xxi) Residential burglary (RCW 9A.52.025);

~~((¶))~~ (xxii) Stalking (RCW 9A.46.110); and

~~((¶))~~ (xxiii) Interference with the reporting of domestic violence (RCW 9A.36.150).

(6) "Employee" means any person currently employed with an agency.

(7) "Intimate partners" means the same as in RCW 26.50.010.

(8) "Sworn employee" means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under chapter 36.28 RCW.

~~((¶))~~ (9) "Victim" means a family or household member or an intimate partner who has been subjected to domestic violence.

**Sec. 204.** RCW 26.50.010 and 2015 c 287 s 8 are each reenacted and amended to read as follows:

As used in this chapter, the following terms shall have the meanings given them:

(1) "Court" includes the superior, district, and municipal courts of the state of Washington.

(2) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(3) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, ~~((between family or household members; (b)))~~ sexual assault ~~((of one family or household member by another;)),~~ or ~~((¶))~~ stalking as defined in RCW 9A.46.110 of one intimate partner by another intimate partner; or (b) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(4) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(5) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes but is not limited to clothing, cribs, bedding, documents, medications, and personal hygiene items.

(6) "Family or household members" means ~~((spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time;))~~; (a) Adult persons related by blood or marriage~~((;))~~; (b) adult persons who are presently residing together or who have resided together in the past~~((, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship;))~~; and (c) persons who have a

biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(7) "Intimate partner" means: (a) Spouses, or domestic partners; (b) former spouses, or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; (d) adult persons presently or previously residing together who have or have had a dating relationship; (e) persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship; and (f) persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship.

(8) "Judicial day" does not include Saturdays, Sundays, or legal holidays.

**Sec. 205.** RCW 26.50.020 and 2010 c 274 s 302 are each amended to read as follows:

(1)(a) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.

(b) Any person thirteen years of age or older may seek relief under this chapter by filing a petition with a court alleging that he or she has been the victim of violence in a dating relationship and the respondent is sixteen years of age or older.

(2)(a) A person under eighteen years of age who is sixteen years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend.

(b) A person under sixteen years of age who is seeking relief under subsection (1)(b) of this section is required to seek relief by a parent, guardian, guardian ad litem, or next friend.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under eighteen years of age if such respondent is sixteen years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter.

(5) Any petition filed under this chapter must specify whether the victim and respondent of the alleged domestic violence are intimate partners or family or household members within the meaning of RCW 26.50.010.

(6) The courts defined in RCW 26.50.010~~((¶))~~ have jurisdiction over proceedings under this chapter. The jurisdiction of district and municipal courts under this chapter shall be limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 26.50.070 if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter 13.34 RCW involving the parties; (b) the petition for relief under this chapter presents issues of residential schedule of and contact with children of the parties; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing provided for in RCW 26.50.050 in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

~~((¶))~~ (7) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In

that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.

~~((7))~~ (8) A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse.

~~((8))~~ (9) For the purposes of this section "next friend" means any competent individual, over eighteen years of age, chosen by the minor and who is capable of pursuing the minor's stated interest in the action.

### PART III - CRIMINAL NO-CONTACT ORDERS

**NEW SECTION. Sec. 301.** (1) The legislature believes the existing language of RCW 10.99.050 has always authorized courts to issue domestic violence no-contact orders in adult and juvenile cases that last up to the adult statutory maximum in felony cases and up to the maximum period for which an adult sentence can be suspended or deferred in nonfelony cases. However, in *State v. Granath*, 200 Wn. App. 26, 401 P.3d 405 (2017), *aff'd*, 190 Wn.2d 548, 415 P.3d 1179 (2018), the court of appeals and supreme court recently interpreted this provision to limit domestic violence no-contact orders in nonfelony sentences to the duration of the defendant's conditions of sentence. The legislature finds that this interpretation inadequately protects victims of domestic violence. The legislature intends to clarify the trial courts' authority to issue no-contact orders that remain in place in adult and juvenile nonfelony cases for the maximum period of time that an adult sentence could be suspended, and in adult and juvenile felony cases for the adult statutory maximum.

(2) The legislature further finds that there is a discrepancy in which sentences for nonfelony domestic violence offenses can be suspended for up to five years in district and municipal courts, but only for up to two years in superior courts in most cases, creating inconsistent protection for victims. The legislature intends to rectify this discrepancy to allow nonfelony domestic violence sentences to be suspended for up to five years in all courts.

**Sec. 302.** RCW 9.95.210 and 2012 1st sp.s. c 6 s 10 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection in granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(b) For a defendant sentenced for a domestic violence offense, or under RCW 46.61.5055, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension continue upon such conditions and for such time as the court shall designate, not to exceed five years. The court shall have continuing jurisdiction and authority to suspend the execution of all or any part of the sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. Any time before entering an order terminating probation, the court may modify or revoke its order suspending the imposition or execution of the sentence if the defendant violates or fails to carry out any of the conditions of the suspended sentence.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation,

the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary for up to twelve months. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(5) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

(6) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to sentences imposed under this section.

(7) For purposes of this section, "domestic violence" means the same as in RCW 10.99.020.

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**Sec. 303.** RCW 10.99.050 and 2000 c 119 s 20 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2)(a) Willful violation of a court order issued under this section is punishable under RCW 26.50.110.

(b) The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(c) An order issued pursuant to this section in conjunction with a misdemeanor or gross misdemeanor sentence or juvenile disposition remains in effect for a fixed period of time determined by the court, which may not exceed five years from the date of sentencing or disposition.

(d) An order issued pursuant to this section in conjunction with a felony sentence or juvenile disposition remains in effect for a fixed period of time determined by the court, which may not exceed the adult maximum sentence established in RCW 9A.20.021.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(4) If an order prohibiting contact issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

#### PART IV - RISK ASSESSMENT

NEW SECTION. **Sec. 401.** A new section is added to chapter 9.94A RCW to read as follows:

(1) The Washington State University department of criminal justice shall develop a tool to be used in conjunction with the Washington one risk assessment that would specifically predict whether the offender will commit domestic violence in the future. The domestic violence tool may incorporate relevant court records into the prediction modeling, if practical within the resources allocated. The tool will be used by the department as part of the current risk, needs, and responsivity assessment process.

(2) The Washington State University department of criminal justice shall make the domestic violence risk assessment tool available for use by the department no later than July 1, 2020. Subject to funds appropriated for this specific purpose, the department shall start to implement the domestic violence risk assessment tool by July 1, 2020, and by July 1, 2021, the department shall use the domestic violence risk assessment tool when conducting a Washington one risk assessment for an offender with a current conviction where domestic violence was pleaded and proven.

(3) The harborview center for sexual assault and traumatic

stress shall develop a training curriculum for domestic violence perpetrator treatment providers that incorporates evidence-based practices and treatment modalities consistent with the Washington Administrative Code provisions adopted by the department of social and health services. The harborview center for sexual assault and traumatic stress shall complete the training curriculum and make it available for provider training no later than June 30, 2020.

#### PART V - SENTENCING

**Sec. 501.** RCW 9.94A.500 and 2013 c 200 s 33 are each amended to read as follows:

(1) Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.

Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW, a criminal solicitation to commit such a violation under chapter 9A.28 RCW, or any felony where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

Unless specifically waived by the court, the court shall order the department to complete a presentence investigation before imposing a drug offender sentencing alternative upon a defendant who has been convicted of a felony offense where domestic violence has been pleaded and proven.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

A criminal history summary relating to the defendant from the prosecuting authority or from a state, federal, or foreign governmental agency shall be prima facie evidence of the existence and validity of the convictions listed therein. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings

of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

(2) To prevent wrongful disclosure of information and records related to mental health services, as described in RCW 71.05.445 and 70.02.250, a court may take only those steps necessary during a sentencing hearing or any hearing in which the department presents information related to mental health services to the court. The steps may be taken on motion of the defendant, the prosecuting attorney, or on the court's own motion. The court may seal the portion of the record relating to information relating to mental health services, exclude the public from the hearing during presentation or discussion of information and records relating to mental health services, or grant other relief to achieve the result intended by this subsection, but nothing in this subsection shall be construed to prevent the subsequent release of information and records related to mental health services as authorized by RCW 71.05.445, 70.02.250, or 72.09.585. Any person who otherwise is permitted to attend any hearing pursuant to chapter 7.69 or 7.69A RCW shall not be excluded from the hearing solely because the department intends to disclose or discloses information related to mental health services.

**Sec. 502.** RCW 9.94A.660 and 2016 sp.s. c 29 s 524 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The end of the standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative

under RCW 9.94A.662 or a residential chemical dependency treatment-based alternative under RCW 9.94A.664. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a chemical dependency screening report as provided in RCW 9.94A.500.

(b) To assist the court in making its determination in domestic violence cases, the court shall order the department to complete a presentence investigation and a chemical dependency screening report as provided in RCW 9.94A.500, unless otherwise specifically waived by the court.

(5)(a) If the court is considering imposing a sentence under the residential chemical dependency treatment-based alternative, the court may order an examination of the offender by the department. The examination shall, at a minimum, address the following issues:

(i) Whether the offender suffers from drug addiction;

(ii) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(iii) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the department of ~~((social and health services))~~ health, and where applicable, whether effective domestic violence perpetrator treatment is available from a state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW; and

(iv) Whether the offender and the community will benefit from the use of the alternative.

(b) The examination report must contain:

(i) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

(ii) Recommended crime-related prohibitions and affirmative conditions.

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances, or in cases of domestic violence for monitoring with global positioning system technology for compliance with a no-contact order.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the



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special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) Costs of examinations and preparing treatment plans under a special drug offender sentencing alternative may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 71.24.580.

**Sec. 503.** RCW 9.94A.662 and 2009 c 389 s 4 are each amended to read as follows:

(1) A sentence for a prison-based special drug offender sentencing alternative shall include:

(a) A period of total confinement in a state facility for one-half the midpoint of the standard sentence range or twelve months, whichever is greater;

(b) One-half the midpoint of the standard sentence range as a term of community custody, which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services, and for co-occurring drug and domestic violence cases, must also include an appropriate domestic violence treatment program by a state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW;

(c) Crime-related prohibitions, including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.701 to be imposed upon the failure to complete or administrative termination from the special drug offender sentencing alternative program.

(2)(a) During incarceration in the state facility, offenders sentenced under this section shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The substance abuse treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections.

(b) When applicable for cases involving domestic violence, domestic violence treatment must be provided by a state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW during the term of community custody.

(3) If the department finds that conditions of community custody have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court.

(4) If an offender sentenced to the prison-based alternative under this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

**Sec. 504.** RCW 9.94A.664 and 2009 c 389 s 5 are each amended to read as follows:

(1) A sentence for a residential chemical dependency treatment-based alternative shall include a term of community custody equal to one-half the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months.

(2)(a) The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the examination report completed pursuant to RCW 9.94A.660.

(b) If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody, and within available resources, make domestic violence treatment services available to a domestic violence offender during the term of community custody.

(3)(a) If the court imposes a sentence under this section, the treatment provider must send the treatment plan to the court within thirty days of the offender's arrival to the residential chemical dependency treatment program and, when applicable, the domestic violence treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of ~~((residential chemical dependency))~~ treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody.

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment.

(4) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (1) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(5) If the court imposes a term of total confinement, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of total confinement and subsequent term of community custody.

## PART VI - COMMUNITY CUSTODY AND REENTRY

**Sec. 601.** RCW 9.94A.704 and 2016 c 108 s 1 are each amended to read as follows:

(1) Every person who is sentenced to a period of community custody shall report to and be placed under the supervision of the department, subject to RCW 9.94A.501.

(2)(a) The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of community custody based upon the risk to community safety.

(b) Within the funds available for community custody, the department shall determine conditions on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (2)(b).

(3) If the offender is supervised by the department, the department shall at a minimum instruct the offender to:

- (a) Report as directed to a community corrections officer;
- (b) Remain within prescribed geographical boundaries;
- (c) Notify the community corrections officer of any change in the offender's address or employment;
- (d) Pay the supervision fee assessment; and
- (e) Disclose the fact of supervision to any mental health ~~((or))~~, chemical dependency, or domestic violence treatment provider, as required by RCW 9.94A.722.

(4) The department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(5) If the offender was sentenced pursuant to a conviction for a sex offense or domestic violence, the department may:

(a) Require the offender to refrain from direct or indirect contact with the victim of the crime or immediate family member of the victim of the crime. If a victim or an immediate family member of a victim has requested that the offender not contact him or her after notice as provided in RCW 72.09.340, the department shall require the offender to refrain from contact with the requestor. Where the victim is a minor, the parent or guardian of the victim may make a request on the victim's behalf. This subsection is not intended to reduce the preexisting authority of the department to impose no-contact conditions regardless of the offender's crime and regardless of who is protected by the no-contact condition, where such condition is based on risk to community safety.

(b) Impose electronic monitoring. Within the resources made available by the department for this purpose, the department shall carry out any electronic monitoring using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" has the same meaning as in RCW 9.94A.030.

(6) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions.

(7)(a) The department shall notify the offender in writing of any additional conditions or modifications.

(b) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to the crime of conviction, the offender's risk of reoffending, or the safety of the community.

(8) The department shall notify the offender in writing upon community custody intake of the department's violation process.

(9) The department may require offenders to pay for special services rendered including electronic monitoring, day reporting, and telephone reporting, dependent on the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(10)(a) When an offender on community custody is under the authority of the board, the department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions based upon the offender's risk to community safety and may recommend affirmative conduct or electronic monitoring consistent with subsections (4) through (6) of this section.

(b) The board may impose conditions in addition to court-ordered conditions. The board must consider and may impose department-recommended conditions. The board must impose a condition requiring the offender to refrain from contact with the victim or immediate family member of the victim as provided in subsection (5)(a) of this section.

(c) By the close of the next business day, after receiving notice of a condition imposed by the board or the department, an

offender may request an administrative hearing under rules adopted by the board. The condition shall remain in effect unless the hearing examiner finds that it is not reasonably related to any of the following:

- (i) The crime of conviction;
- (ii) The offender's risk of reoffending;
- (iii) The safety of the community;
- (iv) The offender's risk of domestic violence reoffense.

(d) If the department finds that an emergency exists requiring the immediate imposition of additional conditions in order to prevent the offender from committing a crime, the department may impose such conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board.

(11) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

**Sec. 602.** RCW 9.94A.722 and 2004 c 166 s 9 are each amended to read as follows:

When an offender receiving court-ordered mental health ~~((or))~~, chemical dependency, or domestic violence treatment or treatment ordered by the department of corrections presents for treatment from a mental health or chemical dependency treatment provider, the offender must disclose to the mental health ~~((or))~~, chemical dependency, or domestic violence treatment provider whether he or she is subject to supervision by the department of corrections. If an offender has received relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132, the offender must provide the mental health ~~((or))~~, chemical dependency, or domestic violence treatment provider with a copy of the order granting the relief.

## PART VII - DEFERRED PROSECUTIONS

**Sec. 701.** RCW 10.05.010 and 2008 c 282 s 15 are each amended to read as follows:

(1) In a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program. The petition shall be filed with the court at least seven days before the date set for trial but, upon a written motion and affidavit establishing good cause for the delay and failure to comply with this section, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial.

(2) A person charged with a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW, or a misdemeanor or gross misdemeanor domestic violence offense, shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020 ~~((or section 18 of this act. Such person shall not be eligible for a deferred prosecution program more than once; and cannot receive a deferred prosecution under both RCW 10.05.020 and section 18 of this act)).~~ A person may not participate in a deferred prosecution program for a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW if he or she has participated in a deferred prosecution program for a prior traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW, and a person may not participate in a deferred prosecution program for a misdemeanor or gross misdemeanor domestic violence offense if he or she has participated in a deferred

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prosecution program for a prior domestic violence offense. Separate offenses committed more than seven days apart may not be consolidated in a single program.

(3) A person charged with a misdemeanor or a gross misdemeanor under chapter 9A.42 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once.

(4) A person is not eligible for a deferred prosecution program if the misdemeanor or gross misdemeanor domestic violence offense was originally charged as a felony offense in superior court.

**Sec. 702.** RCW 10.05.015 and 1985 c 352 s 5 are each amended to read as follows:

At the time of arraignment a person charged with a violation of RCW 46.61.502 or 46.61.504 or a misdemeanor or gross misdemeanor domestic violence offense may be given a statement by the court that explains the availability, operation, and effects of the deferred prosecution program.

**Sec. 703.** RCW 10.05.020 and 2016 sp.s. c 29 s 525 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by substance use disorders or mental problems or domestic violence behavior problems for which the person is in need of treatment and unless treated the probability of future recurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved substance use disorder treatment program as designated in chapter 71.24 RCW if the petition alleges a substance use disorder ((~~or~~)), by an approved mental health center if the petition alleges a mental problem, or by a state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW if the petition alleges a domestic violence behavior problem.

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of social and health services to develop a plan to receive appropriate child welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of social and health services.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgment of his or her rights; (b) an acknowledgment and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the

written police report; and (d) an acknowledgment that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who: (i) Sincerely believes that he or she is innocent of the charges; (ii) sincerely believes that he or she does not, in fact, suffer from alcoholism, drug addiction, ((~~or~~)) mental problems, or domestic violence behavior problems; or (iii) in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

(4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

**Sec. 704.** RCW 10.05.030 and 2016 sp.s. c 29 s 526 are each amended to read as follows:

The arraigning judge upon consideration of the petition and with the concurrence of the prosecuting attorney may continue the arraignment and refer such person for a diagnostic investigation and evaluation to:

(1) An approved substance use disorder treatment program as designated in chapter 71.24 RCW((~~or~~)) if the petition alleges a substance use disorder((~~or~~));

(2) An approved mental health center((~~or~~)) if the petition alleges a mental problem((~~or~~));

(3) The department of social and health services if the petition is brought under RCW 10.05.020(2); or

(4) An approved state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW if the petition alleges a domestic violence behavior problem.

**Sec. 705.** RCW 10.05.120 and 2003 c 220 s 1 are each amended to read as follows:

(1) Three years after receiving proof of successful completion of the two-year treatment program, and following proof to the court that the petitioner has complied with the conditions imposed by the court following successful completion of the two-year treatment program, but not before five years following entry of the order of deferred prosecution pursuant to a petition brought under RCW 10.05.020(1), the court shall dismiss the charges pending against the petitioner.

(2) When a deferred prosecution is ordered pursuant to a petition brought under RCW 10.05.020(2) and the court has received proof that the petitioner has successfully completed the child welfare service plan, or the plan has been terminated because the alleged victim has reached his or her majority and there are no other minor children in the home, the court shall dismiss the charges pending against the petitioner: PROVIDED,

That in any case where the petitioner's parental rights have been terminated with regard to the alleged victim due to abuse or neglect that occurred during the pendency of the deferred prosecution, the termination shall be per se evidence that the petitioner did not successfully complete the child welfare service plan.

(3) When a deferred prosecution is ordered for a petition brought under RCW 10.05.020(1) involving a domestic violence behavior problem and the court has received proof that the petitioner has successfully completed the domestic violence treatment plan, the court shall dismiss the charges pending against the petitioner.

**Sec. 706.** RCW 10.05.140 and 2016 c 203 s 11 are each amended to read as follows:

(1) As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any alcohol-dependency based case, the court shall also order the installation of an ignition interlock under RCW 46.20.720. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720. As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

(2) As a condition of granting a deferred prosecution petition for a case involving a domestic violence behavior problem:

(a) The court shall order the petitioner not to possess firearms and order the petitioner to surrender firearms under RCW 9.41.800; and

(b) The court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. In addition, to help ensure continued sobriety and reduce the likelihood of reoffense in co-occurring domestic violence and substance abuse or mental health cases, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

**Sec. 707.** RCW 10.05.160 and 2010 c 269 s 11 are each amended to read as follows:

The prosecutor may appeal an order granting deferred prosecution on any or all of the following grounds:

(1) Prior deferred prosecution has been granted to the defendant;

(2) For a present petition alleging a domestic violence behavior problem, a prior stipulated order of continuance has been granted to the defendant;

(3) Failure of the court to obtain proof of insurance or a treatment plan conforming to the requirements of this chapter;

~~((3))~~ (4) Failure of the court to comply with the requirements of RCW 10.05.100;

~~((4))~~ (5) Failure of the evaluation facility to provide the information required in RCW 10.05.040 and 10.05.050, if the defendant has been referred to the facility for treatment. If an appeal on such basis is successful, the trial court may consider the use of another treatment program;

~~((5))~~ (6) Failure of the court to order the installation of an ignition interlock or other device under RCW 10.05.140.

**NEW SECTION. Sec. 708.** A new section is added to chapter 10.05 RCW to read as follows:

A deferred prosecution program for domestic violence behavior, or domestic violence co-occurring with substance abuse or mental health, must include, but is not limited to, the following requirements:

(1) Completion of a risk assessment;

(2) Participation in the level of treatment recommended by the program as outlined in the current treatment plan;

(3) Compliance with the contract for treatment;

(4) Participation in any ancillary or co-occurring treatments that are determined to be necessary for the successful completion of the domestic violence intervention treatment including, but not limited to, mental health or substance use treatment;

(5) Domestic violence intervention treatment within the purview of this section to be completed with a state-certified domestic violence intervention treatment program;

(6) Signature of the petitioner agreeing to the terms and conditions of the treatment program;

(7) Proof of compliance with any active order to surrender weapons issued in this program or related civil protection orders or no-contact orders.

#### **PART VIII - DOMESTIC VIOLENCE WORK GROUPS**

**NEW SECTION. Sec. 801.** In 2017 the legislature established two work groups managed by the Washington state supreme court gender and justice commission to study domestic violence treatment and domestic violence risk. The work groups successfully pulled together stakeholders from across the state and published two reports with groundbreaking recommendations. The legislature finds that there is a need to continue the work groups. The work groups shall review best practices for alternatives to mandatory arrest in cases of domestic violence, and the work groups shall monitor implementation of prior recommendations for the purpose of promoting effective strategies to reduce domestic violence homicides, serious injuries, and recidivism.

**Sec. 802.** 2017 c 272 s 7 (uncodified) is amended to read as follows:

(1) The administrative office of the courts shall, through the Washington state gender and justice commission of the supreme court, convene a work group to address the issue of domestic violence perpetrator treatment and the role of certified perpetrator treatment programs in holding domestic violence perpetrators accountable.

(2) The work group must include a representative for each of the following organizations or interests: Superior court judges, district court judges, municipal court judges, court probation officers, prosecuting attorneys, defense attorneys, civil legal aid attorneys, domestic violence victim advocates, domestic violence perpetrator treatment providers, the department of social and health services, the department of corrections, the Washington state institute for public policy, and the University of Washington evidence based practice institute. At least two domestic violence perpetrator treatment providers must be represented as members

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of the work group.

(3)(a) ~~For its initial report in 2018, the work group shall:~~ ((a))  
 (i) Review laws, regulations, and court and agency practices pertaining to domestic violence perpetrator treatment used in civil and criminal contexts, including criminal domestic violence felony and misdemeanor offenses, family law, child welfare, and protection orders; ((b)) (ii) consider the development of a universal diagnostic evaluation tool to be used by treatment providers and the department of corrections to assess the treatment needs of domestic violence perpetrators; and ((c)) (iii) develop recommendations on changes to existing laws, regulations, and court and agency practices to improve victim safety, decrease recidivism, advance treatment outcomes, and increase the courts' confidence in domestic violence perpetrator treatment.

((4)) (b) The work group shall report its recommendations to the affected entities and the appropriate committees of the legislature no later than June 30, 2018.

(4)(a) For its report in 2019, the work group shall:

(i) Provide guidance and additional recommendations with respect to how prior recommendations of the work group should be implemented for the purpose of promoting effective strategies to reduce domestic violence in Washington state;

(ii) Monitor, evaluate, and provide recommendations for the implementation of the newly established domestic violence treatment administrative codes;

(iii) Monitor, evaluate, and provide recommendations on the implementation and supervision of domestic violence sentencing alternatives in different counties to promote consistency; and

(iv) Provide recommendations on other items deemed appropriate by the work group.

(b) The work group shall report its recommendations to the affected entities and the appropriate committees of the legislature no later than June 30, 2020.

(5) The work group must operate within existing funds.

(6) This section expires June 30, ~~(2019)~~ 2021.

**Sec. 803.** 2017 c 272 s 8 (uncodified) is amended to read as follows:

(1) ~~((The legislature finds that Washington state has a serious problem with domestic violence offender recidivism and lethality. The Washington state institute for public policy studied domestic violence offenders finding not just high rates of domestic violence recidivism but among the highest rates of general criminal and violent recidivism. The Washington state coalition against domestic violence has issued fatality reviews of domestic violence homicides in Washington under chapter 43.235 RCW for over fifteen years. These fatality reviews demonstrate the significant impact of domestic violence on our communities as well as the barriers and high rates of lethality faced by victims. The legislature further notes there have been several high profile domestic violence homicides with multiple prior domestic violence incidents not accounted for in the legal response. Many jurisdictions nationally have encountered the same challenges as Washington and now utilize risk assessment as a best practice to assist in the response to domestic violence.))~~

The Washington domestic violence risk assessment work group is established to study how and when risk assessment can best be used to improve the response to domestic violence offenders and victims and find effective strategies to reduce domestic violence homicides, serious injuries, and recidivism that are a result of domestic violence incidents in Washington state.

(2)(a) The Washington state gender and justice commission, in collaboration with the Washington state coalition against domestic violence and the Washington State University criminal justice program, shall coordinate the work group and provide staff

support.

(b) The work group must include a representative from each of the following organizations:

- (i) The Washington state gender and justice commission;
- (ii) The department of corrections;
- (iii) The department of social and health services;
- (iv) The Washington association of sheriffs and police chiefs;
- (v) The superior court judges' association;
- (vi) The district and municipal court judges' association;
- (vii) The Washington state association of counties;
- (viii) The Washington association of prosecuting attorneys;
- (ix) The Washington defender association;
- (x) The Washington association of criminal defense lawyers;
- (xi) The Washington state association of cities;
- (xii) The Washington state coalition against domestic violence;
- (xiii) The Washington state office of civil legal aid; and
- (xiv) The family law section of the Washington state bar association.

(c) The work group must additionally include representation from:

- (i) Treatment providers;
- (ii) City law enforcement;
- (iii) County law enforcement;
- (iv) Court administrators; and
- (v) Domestic violence victims or family members of a victim.

(3) ~~((At a minimum))~~ (a) For its initial report in 2018, the work group shall research, review, and make recommendations on the following:

((a)) (i) How to best develop and use risk assessment in domestic violence response utilizing available research and Washington state data;

((b)) (ii) Providing effective strategies for incorporating risk assessment in domestic violence response to reduce deaths, serious injuries, and recidivism due to domestic violence;

((c)) (iii) Promoting access to domestic violence risk assessment for advocates, police, prosecutors, corrections, and courts to improve domestic violence response;

((d)) (iv) Whether or how risk assessment could be used as an alternative to mandatory arrest in domestic violence;

((e)) (v) Whether or how risk assessment could be used in bail determinations in domestic violence cases, and in civil protection order hearings;

((f)) (vi) Whether or how offender risk, needs, and responsibility could be used in determining eligibility for diversion, sentencing alternatives, and treatment options;

((g)) (vii) Whether or how victim risk, needs, and responsibility could be used in improving domestic violence response;

((h)) (viii) Whether or how risk assessment can improve prosecution and encourage prosecutors to aggressively enforce domestic violence laws; and

((i)) (ix) Encouraging private sector collaboration.

((4)) (b) The work group shall compile its findings and recommendations into ~~((a final))~~ an initial report and provide its report to the appropriate committees of the legislature and governor by June 30, 2018.

(4)(a) For its report in 2019, the work group shall:

(i) Research, review, and make recommendations on whether laws mandating arrest in cases of domestic violence should be amended and whether alternative arrest statutes should incorporate domestic violence risk assessment in domestic violence response to improve the response to domestic violence, and what training for law enforcement would be needed to implement an alternative to mandatory arrest;

(ii) Research, review, and make recommendations on how prior

recommendations of the work group should be implemented in order to promote effective strategies to reduce domestic violence in Washington state;

(iii) Monitor, evaluate, and provide recommendations on the development and use of the risk assessment tool under section 401 of this act; and

(iv) Provide recommendations on other items deemed appropriate by the work group.

(b) The work group shall compile its findings and recommendations into a final report and provide its report to the appropriate committees of the legislature and governor by June 30, 2020.

(5) The work group must operate within existing funds.

(6) This section expires June 30, (~~2019~~) 2021.

#### **PART IX - UNIFORM RECOGNITION AND ENFORCEMENT OF CANADIAN DOMESTIC VIOLENCE PROTECTION ORDERS**

NEW SECTION. Sec. 901. SHORT TITLE. This chapter may be cited as the uniform recognition and enforcement of Canadian domestic violence protection orders act.

NEW SECTION. Sec. 902. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Canadian domestic violence protection order" means a judgment or part of a judgment or order issued in a civil proceeding by a court of Canada under law of the issuing jurisdiction which relates to domestic violence and prohibits a respondent from:

(a) Being in physical proximity to a protected individual or following a protected individual;

(b) Directly or indirectly contacting or communicating with a protected individual or other individual described in the order;

(c) Being within a certain distance of a specified place or location associated with a protected individual; or

(d) Molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual.

(2) "Domestic protection order" means an injunction or other order issued by a tribunal which relates to domestic or family violence laws to prevent an individual from engaging in violent or threatening acts against, harassment of, direct or indirect contact or communication with, or being in physical proximity to another individual.

(3) "Issuing court" means the court that issues a Canadian domestic violence protection order.

(4) "Law enforcement officer" means an individual authorized by law of this state other than this chapter to enforce a domestic protection order.

(5) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(6) "Protected individual" means an individual protected by a Canadian domestic violence protection order.

(7) "Record" 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.

(8) "Respondent" means an individual against whom a Canadian domestic violence protection order is issued.

(9) "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.

(10) "Tribunal" means a court, agency, or other entity authorized by law of this state other than this chapter to establish,

enforce, or modify a domestic protection order.

NEW SECTION. Sec. 903. ENFORCEMENT OF CANADIAN DOMESTIC VIOLENCE PROTECTION ORDER BY LAW ENFORCEMENT OFFICER. (1) If a law enforcement officer determines under subsection (2) or (3) of this section that there is probable cause to believe a valid Canadian domestic violence protection order exists and the order has been violated, the officer shall enforce the terms of the Canadian domestic violence protection order as if the terms were in an order of a tribunal. Presentation to a law enforcement officer of a certified copy of a Canadian domestic violence protection order is not required for enforcement.

(2) Presentation to a law enforcement officer of a record of a Canadian domestic violence protection order that identifies both a protected individual and a respondent and on its face is in effect constitutes probable cause to believe that a valid order exists.

(3) If a record of a Canadian domestic violence protection order is not presented as provided in subsection (2) of this section, a law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid Canadian domestic violence protection order exists.

(4) If a law enforcement officer determines that an otherwise valid Canadian domestic violence protection order cannot be enforced because the respondent has not been notified of or served with the order, the officer shall notify the protected individual that the officer will make reasonable efforts to contact the respondent, consistent with the safety of the protected individual. After notice to the protected individual and consistent with the safety of the individual, the officer shall make a reasonable effort to inform the respondent of the order, notify the respondent of the terms of the order, provide a record of the order, if available, to the respondent, and allow the respondent a reasonable opportunity to comply with the order before the officer enforces the order.

(5) If a law enforcement officer determines that an individual is a protected individual, the officer shall inform the individual of available local victim services.

NEW SECTION. Sec. 904. ENFORCEMENT OF CANADIAN DOMESTIC VIOLENCE PROTECTION ORDER BY TRIBUNAL. (1) A tribunal may issue an order enforcing or refusing to enforce a Canadian domestic violence protection order on application of:

(a) A person authorized by law of this state other than this chapter to seek enforcement of a domestic protection order; or

(b) A respondent.

(2) In a proceeding under subsection (1) of this section, the tribunal shall follow the procedures of this state for enforcement of a domestic protection order. An order entered under this section is limited to the enforcement of the terms of the Canadian domestic violence protection order as defined in section 902 of this act.

(3) A Canadian domestic violence protection order is enforceable under this section if:

(a) The order identifies a protected individual and a respondent;

(b) The order is valid and in effect;

(c) The issuing court had jurisdiction over the parties and the subject matter under law applicable in the issuing court; and

(d) The order was issued after:

(i) The respondent was given reasonable notice and had an opportunity to be heard before the court issued the order; or

(ii) In the case of an ex parte order, the respondent was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the right of the respondent to due process.

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(4) A Canadian domestic violence protection order valid on its face is prima facie evidence of its enforceability under this section.

(5) A claim that a Canadian domestic violence protection order does not comply with subsection (3) of this section is an affirmative defense in a proceeding seeking enforcement of the order. If the tribunal determines that the order is not enforceable, the tribunal shall issue an order that the Canadian domestic violence protection order is not enforceable under this section and section 903 of this act and may not be registered under section 905 of this act.

**NEW SECTION. Sec. 905. REGISTRATION OF CANADIAN DOMESTIC VIOLENCE PROTECTION ORDER.** (1) A person entitled to protection who has a valid Canadian domestic violence protection order may file that order by presenting a certified, authenticated, or exemplified copy of the Canadian domestic violence protection order to a clerk of the court of a Washington court in which the person entitled to protection resides or to a clerk of the court of a Washington court where the person entitled to protection believes enforcement may be necessary. Any out-of-state department, agency, or court responsible for maintaining protection order records, may by facsimile or electronic transmission send a reproduction of the foreign protection order to the clerk of the court of Washington as long as it contains a facsimile or digital signature by any person authorized to make such transmission.

(2) On receipt of a certified copy of a Canadian domestic violence protection order, the clerk of the court shall register the order in accordance with this section.

(3) An individual registering a Canadian domestic violence protection order under this section shall file an affidavit stating that, to the best of the individual's knowledge, the order is valid and in effect.

(4) After a Canadian domestic violence protection order is registered under this section, the clerk of the court shall provide the individual registering the order a certified copy of the registered order.

(5) A Canadian domestic violence protection order registered under this section may be entered in a state or federal registry of protection orders in accordance with law.

(6) An inaccurate, expired, or unenforceable Canadian domestic violence protection order may be corrected or removed from the registry of protection orders maintained in this state in accordance with law of this state other than this chapter.

(7) A fee may not be charged for the registration of a Canadian domestic violence protection order under this section.

(8) Registration in this state or filing under law of this state other than this chapter of a Canadian domestic violence protection order is not required for its enforcement under this chapter.

**NEW SECTION. Sec. 906. IMMUNITY.** The state, state agency, local governmental agency, law enforcement officer, prosecuting attorney, clerk of court, and state or local governmental official acting in an official capacity are immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a Canadian domestic violence protection order or the detention or arrest of an alleged violator of a Canadian domestic violence protection order if the act or omission was a good faith effort to comply with this chapter.

**NEW SECTION. Sec. 907. OTHER REMEDIES.** An individual who seeks a remedy under this chapter may seek other legal or equitable remedies.

**NEW SECTION. Sec. 908. 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. 909. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.** This chapter 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. 910. TRANSITION.** This chapter applies to a Canadian domestic violence protection order issued before, on, or after the effective date of this section and to a continuing action for enforcement of a Canadian domestic violence protection order commenced before, on, or after the effective date of this section. A request for enforcement of a Canadian domestic violence protection order made on or after the effective date of this section for a violation of the order occurring before, on, or after the effective date of this section is governed by this chapter.

**Sec. 911.** RCW 10.31.100 and 2017 c 336 s 3 and 2017 c 223 s 1 are each reenacted and amended to read as follows:

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

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

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

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

(b) A foreign protection order, as defined in RCW 26.52.010, or a Canadian domestic violence protection order, as defined in section 902 of this act, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order or the Canadian domestic violence protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the

person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order or the Canadian domestic violence protection order specifically indicates that a violation will be a crime; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

to take appropriate action under the laws of the state of Washington.

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

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

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

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

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

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160~~((4))~~ (5) may issue a citation for an infraction to the person in connection with the violation.

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

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

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

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

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

**Sec. 912.** RCW 26.50.035 and 2005 c 282 s 40 are each amended to read as follows:

(1) The administrative office of the courts shall develop and prepare instructions and informational brochures required under RCW 26.50.030(4), standard petition and order for protection forms, and a court staff handbook on domestic violence and the protection order process. The standard petition and order for protection forms must be used after September 1, 1994, for all petitions filed and orders issued under this chapter. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including a representative of the state domestic violence coalition, judges, and law enforcement personnel.



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(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of standard petition and order for protection forms.

(b) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating a domestic violence protection order as provided under this chapter, an antiharassment no-contact order as provided under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided under chapters 26.09, 26.10, ~~((26.26))~~ 26.26A, 26.26B, and 26.44 RCW, an antiharassment protection order as provided by chapter 10.14 RCW, ~~((and))~~ a foreign protection order as defined in chapter 26.52 RCW, and a Canadian domestic violence protection order as defined in section 902 of this act.

(c) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application."

(d) The court staff handbook shall allow for the addition of a community resource list by the court clerk.

(2) All court clerks shall obtain a community resource list from a domestic violence program, defined in RCW 70.123.020, serving the county in which the court is located. The community resource list shall include the names and telephone numbers of domestic violence programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, legal assistance programs, interpreters, multicultural programs, and batterers' treatment programs. The court shall make the community resource list available as part of or in addition to the informational brochures described in subsection (1) of this section.

(3) The administrative office of the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a master copy of the petition and order forms to all superior, district, and municipal courts.

(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

(5) The administrative office of the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by January 1, 1997.

(6) The administrative office of the courts shall update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

**Sec. 913.** RCW 26.50.110 and 2017 c 230 s 9 are each amended to read as follows:

(1)(a) Whenever an order is granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, ~~((26.26))~~ 26.26A, 26.26B, or 74.34 RCW, any temporary order for protection is granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, ~~((or))~~ there is a valid foreign protection order as defined in RCW 26.52.020, or there is a valid Canadian

domestic violence protection order as defined in section 902 of this act, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision for a foreign protection order or a Canadian domestic violence protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(ii) Shall impose a fine of fifteen dollars, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the fifteen dollar fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, ~~((26.26))~~ 26.26A, 26.26B, or 74.34 RCW, any temporary order for protection granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, ~~((or))~~ a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in section 902 of this act, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, ~~((26.26))~~ 26.26A, 26.26B, or 74.34 RCW, ~~((or or))~~ a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in section 902 of this act, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, ~~((26.26))~~ 26.26A, 26.26B, or 74.34 RCW, ~~((or or))~~ a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in section 902 of this act, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that

is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, ~~((26.26))~~ 26.26A, 26.26B, or 74.34 RCW, ~~((or))~~ a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in section 902 of this act, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, ~~((26.26))~~ 26.26A, 26.26B, or 74.34 RCW, ~~((or))~~ a valid foreign protection order as defined in RCW 26.52.020 or a valid Canadian domestic violence protection order as defined in section 902 of this act. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, ~~((26.26))~~ 26.26A, 26.26B, or 74.34 RCW, ~~((or))~~ a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in section 902 of this act, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

**Sec. 914.** RCW 26.50.160 and 2017 3rd sp.s. c 6 s 335 are each amended to read as follows:

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a database containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every sexual assault protection order issued under chapter 7.90 RCW, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody action under chapter 26.10 RCW, every parentage action under chapter ~~((26.26))~~ 26.26A or 26.26B RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, every Canadian domestic violence protection order filed under chapter 26.-- RCW (the new chapter created in section 1001 of this act), and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services or department of children, youth, and families has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought shall be included in the database as a party rather than the guardian or appropriate department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

**Sec. 915.** RCW 36.28A.410 and 2017 c 261 s 5 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for

this specific purpose, the Washington association of sheriffs and police chiefs shall create and operate a statewide automated protected person notification system to automatically notify a registered person via the registered person's choice of telephone or email when a respondent subject to a court order specified in (b) of this subsection has attempted to purchase or acquire a firearm and been denied based on a background check or completed and submitted firearm purchase or transfer application that indicates the respondent is ineligible to possess a firearm under state or federal law. The system must permit a person to register for notification, or a registered person to update the person's registration information, for the statewide automated protected person notification system by calling a toll-free telephone number or by accessing a public web site.

(b) The notification requirements of this section apply to any court order issued under chapter 7.92 RCW and RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, ~~((26.26.130, 26.26.590))~~ 26.26B.020, 26.50.060, or 26.50.070, ~~((and))~~ any foreign protection order filed with a Washington court pursuant to chapter 26.52 RCW, and any Canadian domestic violence protection order filed with a Washington court pursuant to chapter 26.-- RCW (the new chapter created in section 1001 of this act), where the order prohibits the respondent from possessing firearms or where by operation of law the respondent is ineligible to possess firearms during the term of the order. The notification requirements of this section apply even if the respondent has notified the Washington state patrol that he or she has appealed a background check denial under RCW 43.43.823.

(2) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated protected person notification system in this section, so long as the release or failure to release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to chapter 261, Laws of 2017, including information a person submits to register and participate in the statewide automated protected person notification system, are exempt from public inspection and copying under chapter 42.56 RCW.

## PART X - MISCELLANEOUS

NEW SECTION. **Sec. 1001.** Sections 901 through 910 of this act constitute a new chapter in Title 26 RCW.

NEW SECTION. **Sec. 1002.** 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. 1003.** Sections 901 through 915, 1001, and 1002 of this act take effect January 1, 2020.

NEW SECTION. **Sec. 1004.** Sections 501 through 504, 601, 602, and 701 through 708 of this act take effect January 1, 2021.

NEW SECTION. **Sec. 1005.** Sections 801 through 803 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 30, 2019.

NEW SECTION. **Sec. 1006.** If specific funding for the

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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 "violence;" strike the remainder of the title and insert "amending RCW 10.99.020, 26.50.020, 9.95.210, 10.99.050, 9.94A.500, 9.94A.660, 9.94A.662, 9.94A.664, 9.94A.704, 9.94A.722, 10.05.010, 10.05.015, 10.05.020, 10.05.030, 10.05.120, 10.05.140, 10.05.160, 26.50.035, 26.50.110, 26.50.160, and 36.28A.410; amending 2017 c 272 ss 7 and 8 (uncodified); reenacting and amending RCW 26.50.010 and 10.31.100; adding a new section to chapter 10.01 RCW; adding a new section to chapter 9.94A RCW; adding a new section to chapter 10.05 RCW; adding a new chapter to Title 26 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Engrossed Second Substitute House Bill No. 1517.

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

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Second Substitute House Bill No. 1517 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1517 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1517 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Liias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey, Kuderer and McCoy

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1517, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1879, by House Committee on Health Care & Wellness (originally sponsored by Jinkins, Cody, Harris, Macri, DeBolt, Pollet, Robinson, Tharinger and Doglio)

Regulating and reporting of utilization management in prescription drug benefits.

The measure was read the second time.

#### MOTION

Senator Cleveland moved that the following committee striking amendment by the Behavioral Health Subcommittee to Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

The definitions in this section apply throughout this section and sections 2 and 3 of this act unless the context clearly requires otherwise.

(1) "Clinical practice guidelines" means a systemically developed statement to assist decision making by health care providers and patients about appropriate health care for specific clinical circumstances and conditions.

(2) "Clinical review criteria" means the written screening procedures, decision rules, medical protocols, and clinical practice guidelines used by a health carrier or prescription drug utilization management entity as an element in the evaluation of medical necessity and appropriateness of requested prescription drugs under a health plan.

(3) "Emergency fill" means a limited dispensed amount of medication that allows time for the processing of prescription drug utilization management.

(4) "Medically appropriate" means prescription drugs that under the applicable standard of care are appropriate: (a) To improve or preserve health, life, or function; (b) to slow the deterioration of health, life, or function; or (c) for the early screening, prevention, evaluation, diagnosis, or treatment of a disease, condition, illness, or injury.

(5) "Prescription drug utilization management" means a set of formal techniques used by a health carrier or prescription drug utilization management entity, that are designed to monitor the use of or evaluate the medical necessity, appropriateness, efficacy, or efficiency of prescription drugs including, but not limited to, prior authorization and step therapy protocols.

(6) "Prescription drug utilization management entity" means an entity affiliated with, under contract with, or acting on behalf of a health carrier to perform prescription drug utilization management.

(7) "Prior authorization" means a mandatory process that a carrier or prescription drug utilization management entity requires a provider or facility to follow to determine if a service is a benefit and meets the requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan.

(8) "Step therapy protocol" means a protocol or program that establishes the specific sequence in which prescription drugs for a specified medical condition will be covered by a health carrier.

**NEW SECTION. Sec. 2.** A new section is added to chapter 48.43 RCW to read as follows:

For health plans delivered, issued for delivery, or renewed on or after January 1, 2021, clinical review criteria used to establish a prescription drug utilization management protocol must be evidence-based and updated on a regular basis through review of new evidence, research, and newly developed treatments.

**NEW SECTION. Sec. 3.** A new section is added to chapter 48.43 RCW to read as follows:

For health plans delivered, issued for delivery, or renewed on or after January 1, 2021:

(1) When coverage of a prescription drug for the treatment of any medical condition is subject to prescription drug utilization management, the patient and prescribing practitioner must have access to a clear, readily accessible, and convenient process to request an exception through which the prescription drug utilization management can be overridden in favor of coverage of a prescription drug prescribed by a treating health care provider. A health carrier or prescription drug utilization management entity may use its existing medical exceptions process to satisfy this requirement. The process must be easily accessible on the health carrier and prescription drug utilization management entity's web site. Approval criteria must be clearly posted on the health carrier and prescription drug utilization management entity's web site. This information must be in plain language and understandable to providers and patients.

(2) Health carriers must disclose all rules and criteria related to the prescription drug utilization management process to all participating providers, including the specific information and documentation that must be submitted by a health care provider or patient to be considered a complete exception request.

(3) An exception request must be granted if the health carrier or prescription drug utilization management entity determines that the evidence submitted by the provider or patient is sufficient to establish that:

(a) The required prescription drug is contraindicated or will likely cause a clinically predictable adverse reaction by the patient;

(b) The required prescription drug is expected to be ineffective based on the known clinical characteristics of the patient and the known characteristics of the prescription drug regimen;

(c) The patient has tried the required prescription drug or another prescription drug in the same pharmacologic class or a drug with the same mechanism of action while under his or her current or a previous health plan, and such prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event;

(d) The patient is currently experiencing a positive therapeutic outcome on a prescription drug recommended by the patient's provider for the medical condition under consideration while on his or her current or immediately preceding health plan, and changing to the required prescription drug may cause clinically predictable adverse reactions, or physical or mental harm to, the patient; or

(e) The required prescription drug is not in the best interest of the patient, based on documentation of medical appropriateness, because the patient's use of the prescription drug is expected to:

(i) Create a barrier to the patient's adherence to or compliance with the patient's plan of care;

(ii) Negatively impact a comorbid condition of the patient;

(iii) Cause a clinically predictable negative drug interaction; or

(iv) Decrease the patient's ability to achieve or maintain reasonable functional ability in performing daily activities.

(4) Upon the granting of an exception, the health carrier or prescription drug utilization management entity shall authorize coverage for the prescription drug prescribed by the patient's treating health care provider.

(5)(a) For nonurgent exception requests, the health carrier or prescription drug utilization management entity must:

(i) Within three business days notify the treating health care provider that additional information, as disclosed under subsection (2) of this section, is required in order to approve or deny the exception request, if the information provided is not

sufficient to approve or deny the request; and

(ii) Within three business days of receipt of sufficient information from the treating health care provider as disclosed under subsection (2) of this section, approve a request if the information provided meets at least one of the conditions referenced in subsection (3) of this section or if deemed medically appropriate, or deny a request if the requested service does not meet at least one of the conditions referenced in subsection (3) of this section.

(b) For urgent exception requests, the health carrier or prescription drug utilization management entity must:

(i) Within one business day notify the treating health care provider that additional information, as disclosed under subsection (2) of this section, is required in order to approve or deny the exception request, if the information provided is not sufficient to approve or deny the request; and

(ii) Within one business day of receipt of sufficient information from the treating health care provider as disclosed under subsection (2) of this section, approve a request if the information provided meets at least one of the conditions referenced in subsection (3) of this section or if deemed medically appropriate, or deny a request if the requested service does not meet at least one of the conditions referenced in subsection (3) of this section.

(c) If a response by a health carrier or prescription drug utilization management entity is not received within the time frames established under this section, the exception request is deemed granted.

(d) For purposes of this subsection, exception requests are considered urgent when an enrollee is experiencing a health condition that may seriously jeopardize the enrollee's life, health, or ability to regain maximum function, or when an enrollee is undergoing a current course of treatment using a nonformulary drug.

(6) Health carriers must cover an emergency supply fill if a treating health care provider determines an emergency fill is necessary to keep the patient stable while the exception request is being processed. This exception shall not be used to solely justify any further exemption.

(7) When responding to a prescription drug utilization management exception request, a health carrier or prescription drug utilization management entity shall clearly state in their response if the exception request was approved or denied. The health carrier must use clinical review criteria as referenced in section 2 of this act for the basis of any denial. Any denial must be based upon and include the specific clinical review criteria relied upon for the denial and include information regarding how to appeal denial of the exception request. If the exception request from a treating health care provider is denied for administrative reasons, or for not including all the necessary information, the health carrier or prescription drug utilization management entity must inform the provider what additional information is needed and the deadline for its submission.

(8) The health carrier or prescription drug utilization management entity must permit a stabilized patient to remain on a drug during an exception request process.

(9) A health carrier must provide sixty days' notice to providers and patients for any new policies or procedures applicable to prescription drug utilization management protocols. New health carrier policies or procedures may not be applied retroactively.

(10) This section does not prevent:

(a) A health carrier or prescription drug utilization management entity from requiring a patient to try an AB-rated generic equivalent or a biological product that is an interchangeable biological product prior to providing coverage for the equivalent branded prescription drug;

(b) A health carrier or prescription drug utilization

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management entity from denying an exception for a drug that has been removed from the market due to safety concerns from the federal food and drug administration; or

(c) A health care provider from prescribing a prescription drug that is determined to be medically appropriate.

**NEW SECTION. Sec. 4.** The insurance commissioner shall adopt rules necessary for the implementation of this act."

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "adding new sections to chapter 48.43 RCW; and creating a new section."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Behavioral Health Subcommittee to Committee on Health & Long Term Care to Engrossed Substitute House Bill No. 1879.

The motion by Senator Cleveland carried and the subcommittee striking amendment was adopted by voice vote.

**MOTION**

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 1879 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1879 as amended by the Senate.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1879 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Lias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey, Kuderer and McCoy

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1879, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**INTRODUCTION OF SPECIAL GUESTS**

The Vice President Pro Tempore welcomed and introduced the family of Senator Lovelett including her daughters Miss Yma Lovelett and Miss Mirabel Lovelett; Ms. Joan Pitz, mother; and Mr. Andy Pitz, father who were seated in the gallery and recognized by the senate.

**PERSONAL PRIVILEGE**

Senator Lovelett: "So, we all, as I mentioned my first floor speech, we all come down here in our families all make sacrifices.

The people around us in order for us to be here and serve during these months and I just want to give a very deep thank you to my parents for whom I obviously wouldn't be here at all, but I wouldn't be able to serve here the way I do without them. My, my family has come together to really help take care of everything that needs to be taken care of at home. And a big shout out to my girls Yma and Mirabel who have had to deal with my being gone and have a lot of mom time on the phone and I'm really proud of them because they've been very strong in the face of all of this and I'm just so proud to be your daughter and so proud to be your mom and I'm glad you're here today."

**SECOND READING**

HOUSE BILL NO. 1866, by Representatives Dent, Chapman, Corry, Griffey, Dolan, Reeves and Appleton

Concerning professional development requirements for child day care centers.

The measure was read the second time.

**MOTION**

On motion of Senator Wellman, the rules were suspended, House Bill No. 1866 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Hawkins, O'Ban, Warnick and Wilson, C. spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1866.

**ROLL CALL**

The Secretary called the roll on the final passage of House Bill No. 1866 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey and McCoy

HOUSE BILL NO. 1866, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President Pro Tempore assumed the chair. (Senator Keiser presiding.)

**SECOND READING**

SECOND SUBSTITUTE HOUSE BILL NO. 1216, by House Committee on Appropriations (originally sponsored by Dolan, Harris, Lovick, Doglio, Stonier, Irwin, Senn, Appleton, Kirby, Vick, Bergquist, Riccelli, Fey, Orwall, Griffey, Gregerson, Peterson, Stanford, Frame, Kilduff, Ortiz-Self, Ryu, Valdez, Lekanoff, Sells, Slatter, Thai, Wylie, Callan, Jinkins, Macri, Goodman and Santos)

Concerning nonfirearm measures to increase school safety and student well-being.

The measure was read the second time.

#### MOTION

Senator Wellman moved that the following amendment no. 612 by Senator Wellman be adopted:

On page 15, after line 25, insert the following:

**"NEW SECTION. Sec. 11. INTENT.** It is not the intent of the legislature to require school resource officers to work in schools. If a school district chooses to have a school resource officer program, it is the intent of the legislature to create statewide consistency for the minimum training requirements that school resource officers must receive and ensure that there is a clear agreement between the school district and local law enforcement agency in order to help establish effective partnerships that protect the health and safety of all students.

**NEW SECTION. Sec. 12.** A new section is added to chapter 28A.320 RCW to read as follows:

#### SCHOOL RESOURCE OFFICER PROGRAMS.

(1) If a school district chooses to have a school resource officer program, the school district must confirm that every school resource officer has received training on the following topics:

(a) Constitutional and civil rights of children in schools, including state law governing search and interrogation of youth in schools;

(b) Child and adolescent development;

(c) Trauma-informed approaches to working with youth;

(d) Recognizing and responding to youth mental health issues;

(e) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;

(f) Collateral consequences of arrest, referral for prosecution, and court involvement;

(g) Resources available in the community that serve as alternatives to arrest and prosecution and pathways for youth to access services without court or criminal justice involvement;

(h) Local and national disparities in the use of force and arrests of children;

(i) De-escalation techniques when working with youth or groups of youth;

(j) State law regarding restraint and isolation in schools, including RCW 28A.600.485;

(k) Bias free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learners, LGBTQ, and immigrants; and

(l) The federal family educational rights and privacy act (20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes.

(2) School districts that have a school resource officer program must annually review and adopt an agreement with the local law enforcement agency using a process that involves parents, students, and community members. At a minimum, the agreement must incorporate the following elements:

(a) A clear statement regarding school resource officer duties and responsibilities related to student behavior and discipline that:

(i) Prohibits a school resource officer from becoming involved in formal school discipline situations that are the responsibility of school administrators;

(ii) Acknowledges the role of a school resource officer as a teacher, informal counselor, and law enforcement officer; and

(iii) Recognizes that a trained school resource officer knows when to informally interact with students to reinforce school rules and when to enforce the law;

(b) School district policy and procedure for teachers that clarify the circumstances under which teachers and school administrators may ask an officer to intervene with a student;

(c) Annual collection and reporting of data regarding calls for law enforcement service and the outcome of each call, including student arrest and referral for prosecution, disaggregated by school, offense type, race, gender, age, and students who have an individualized education program or plan developed under section 504 of the federal rehabilitation act of 1973;

(d) A process for families to file complaints with the school and local law enforcement agency related to school resource officers and a process for investigating and responding to complaints; and

(e) Confirmation that the school resource officers have received the training required under subsection (1) of this section.

(3) School districts that choose to have a school resource officer program must comply with the requirements in subsection (2) of this section by the beginning of the 2020-21 school year.

(4) For the purposes of this section, "school resource officer" means a commissioned law enforcement officer in the state of Washington with sworn authority to make arrests, deployed in community-oriented policing, and assigned by the employing police department or sheriff's office to work in schools to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around K-12 schools. School resource officers should focus on keeping students out of the criminal justice system when possible and should not be used to attempt to impose criminal sanctions in matters that are more appropriately handled within the educational system.

**NEW SECTION. Sec. 13.** A new section is added to chapter 28A.300 RCW to read as follows:

#### SCHOOL RESOURCE OFFICER TRAINING MATERIALS AND GRANTS.

(1) Subject to the availability of amounts appropriated for this specific purpose, by January 1, 2020, the state school safety center, established in section 2 of this act, in collaboration with the school safety and student well-being advisory committee, established in section 4 of this act, and law enforcement entities interested in providing training to school resource officers, shall identify and make publicly available training materials that are consistent with the requirements in section 12 of this act.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must establish and implement a grant program to fund training for school resource officers as described in section 12 of this act. Eligible grantees include school districts, educational service districts, law enforcement agencies, and law enforcement training organizations. Training under this section may be developed by schools in partnership with local law enforcement and organizations that have expertise in topics such as juvenile brain development; restorative practices or restorative justice; social-emotional learning; civil rights; and student rights, including free speech and search and seizure. This training may be provided by the criminal justice training commission.

(b) By December 1st of each year the program is funded, the office of the superintendent of public instruction must submit an annual report to the governor and appropriate committees of the legislature on the program."

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

On page 1, line 5 of the title, after "adding" strike "a new

section" and insert "new sections"

Senators Wellman and O'Ban spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 612 by Senator Wellman on page 15, after line 25 to Second Substitute House Bill No. 1216.

The motion by Senator Wellman carried and amendment no. 612 was adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 606 by Senator Fortunato be adopted:

On page 18, after line 2, insert the following:

**NEW SECTION. Sec. 17.** According to Article IX of the Washington state Constitution it is the paramount duty of the state to provide for basic education. The legislature finds that pursuant to this duty, basic education requires a safe learning environment. The legislature finds that local school boards are required by federal law to adopt school safety plans and existing public law already allows local school boards to use school resource officers or hire private security officers. The legislature further finds that for some school districts this can be cost-prohibitive. It is the intent of the legislature to provide local school boards additional options to provide for school safety and ensure that Washington state is in compliance with all provisions of the United States Constitution, federal law, and Article I, section 24 of the Washington state Constitution.

**NEW SECTION. Sec. 18.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) The board of directors of a school district may adopt a written policy authorizing one or more permanent employees of a school located within the school district to possess firearms on school grounds. The written policy must address:

(a) A procedure for implementing the written policy within the school district, including a process for authorizing permanent employees to possess firearms under the written policy and determining that the requirements of the written policy are met;

(b) The training and eligibility requirements that apply to permanent employees who are authorized to possess firearms under the written policy. The training and eligibility requirements must include, at a minimum, the requirements of subsection (3) of this section, and may include additional requirements as determined by the board;

(c) The number of permanent employees who are authorized to possess firearms at schools within the school district;

(d) The types of firearms and ammunition that are allowed on school grounds; and

(e) Standards specifying the manner in which firearms must be possessed and stored, and the circumstances under which a firearm may be used. The written policy must require that permanent employees who are authorized to possess firearms must keep the firearm concealed while on school grounds except in circumstances authorized under the written policy.

(2) A board that adopts a written policy authorizing permanent employees to possess firearms on school grounds must notify local law enforcement agencies within the school district of the adoption of the policy.

(3) A permanent employee is not authorized to possess a firearm on school grounds under this section unless the permanent employee has:

(a) Obtained a valid concealed pistol license issued under RCW 9.41.070;

(b) Successfully completed a firearms training program approved by the criminal justice training commission under section 20 of this act; and

(c) Been approved by the board to possess a firearm on school grounds under the written policy.

(4) Permanent employees who are authorized under this section to possess firearms on school grounds are responsible for obtaining an approved firearm and ammunition, and paying the costs of the required training program under section 20 of this act. The board may elect to provide reimbursement to permanent employees for these expenses.

(5) The school district, the board, and permanent employees who are authorized to possess firearms on school grounds pursuant to a written policy that complies with the requirements of this section are not liable for damages in any action arising from acts or omissions in responding to an incident that threatens the safety or security of the school or its students or employees, other than acts or omissions constituting recklessness or willful or wanton misconduct.

(6) For the purposes of this section:

(a) "Board" means the board of directors of a school district;

(b) "Permanent employee" means a teacher, administrator, or other person under a continuing or renewable employment contract with the school district for a period of not less than one school year, but does not include a person who is in provisional or temporary status; and

(c) "School grounds" means elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by schools.

**NEW SECTION. Sec. 19.** A new section is added to chapter 28A.195 RCW to read as follows:

Private schools are authorized to adopt a written policy allowing school employees to possess firearms on school grounds if done in accordance with the standards established in section 18 of this act.

**NEW SECTION. Sec. 20.** A new section is added to chapter 43.101 RCW to read as follows:

The commission shall establish a firearms training and education program for permanent employees of school districts authorized to possess firearms on school grounds under section 18 or 19 of this act. The commission shall adopt rules establishing the fees, training requirements, and procedures for obtaining the required training. The fees charged by the commission shall recover the costs incurred by the commission in developing and administering the program.

**NEW SECTION. Sec. 23.** The sum of twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2019, from the general fund to the Washington state criminal justice training commission for the purposes of section 20 of this act.

**Sec. 24.** RCW 9.41.280 and 2016 sp.s. c 29 s 403 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or (ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated crisis responder unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated crisis responder for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated crisis responder shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated crisis responder, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated crisis responder shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated crisis responder determines it is appropriate, the designated crisis responder may refer the person to the local behavioral health organization for follow-up services or the ~~((department of social and health services))~~ health care authority or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy

when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; ~~((or))~~

(h) Any law enforcement officer of the federal, state, or local government agency; or

(i) Any permanent employee who is authorized to possess a firearm on school grounds under section 18 or 19 of this act.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs ~~((shall))~~ may be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

On page 1, line 3 of the title, after "28A.320.126," insert "9.41.280"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 606 by Senator Fortunato on page 18, after line 2 to Second Substitute House Bill No. 1216.

The motion by Senator Fortunato did not carry and amendment no. 606 was not adopted by voice vote.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1216 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.



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Senators Wellman, Hawkins, Fortunato, Wagoner and O’Ban spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1216 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1216 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey and McCoy

SECOND SUBSTITUTE HOUSE BILL NO. 1216, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1382, by Representatives Pellicciotti, Kraft, Macri, Goodman, Doglio, Pettigrew, Ormsby, Jinkins, Stanford, Appleton and Riccelli

Increasing access to emergency assistance for victims by providing immunity from prosecution for prostitution offenses in some circumstances.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1382 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1382.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1382 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey and McCoy

HOUSE BILL NO. 1382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1403, by House Committee on Finance (originally sponsored by Frame, Orcutt and Stokesbary)

Simplifying the administration of municipal business and occupation tax apportionment.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute House Bill No. 1403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1403.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1403 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey and McCoy

SUBSTITUTE HOUSE BILL NO. 1403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1290, by House Committee on Environment & Energy (originally sponsored by Peterson, Barkis, Robinson, Lekanoff, Maycumber and Pollet)

Concerning reviews of voluntary cleanups.

The measure was read the second time.

MOTION

Senator Ericksen moved that the following amendment no. 609 by Senator Ericksen be adopted:

Beginning on page 1, after line 19, strike all material through "cleanups." on page 2, line 6

On page 3, beginning on line 4, after "(b)" strike all material through "(c)" on line 16

Correct any internal references accordingly.

On page 3, beginning on line 27, after "program." strike all material through "section, the" on line 28 and insert "The"

On page 3, line 36, after "in" strike "subsections (2)(b) and" and insert "subsection"

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Palumbo spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 609 by Senator Ericksen on page 1, after line 19 to Substitute House Bill No. 1290.

The motion by Senator Ericksen did not carry and amendment no. 609 was not adopted by voice vote.

#### MOTION

On motion of Senator Palumbo, the rules were suspended, Substitute House Bill No. 1290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Palumbo, Ericksen and Fortunato spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1290.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1290 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey and McCoy

SUBSTITUTE HOUSE BILL NO. 1290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1303, by House Committee on Appropriations (originally sponsored by Shewmake, Eslick, Pollet, Griffey, Riccelli, Senn, Appleton, Dolan, Frame, Paul, Goodman, Robinson, Springer, Lekanoff, Macri, Thai, Tharinger, Stanford, Bergquist, Jinkins, Leavitt and Ormsby)

Removing certain restrictions on subsidized child care for students at institutions of higher education. Revised for 2nd Substitute: Improving access and completion for students at institutions of higher education, especially at community and technical colleges, by removing restrictions on subsidized child care.

The measure was read the second time.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1303 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1303.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1303 and the memorial passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Padden, Schoesler, Short and Warnick

Excused: Senators Bailey and McCoy

SECOND SUBSTITUTE HOUSE BILL NO. 1303, having received the constitutional majority, was declared passed. There being no objection, the title of the memorial was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1658, by House Committee on Education (originally sponsored by Paul, Steele, Bergquist, Harris, Santos, Callan, Appleton, Doglio, Pollet and Young)

Concerning paraeducators.

The measure was read the second time.

#### MOTION

Senator Wellman moved that the following amendment no. 587 by Senator Keiser be adopted:

On page 3, after line 33, insert the following:

"**Sec. 5.** RCW 28A.660.042 and 2017 c 237 s 19 are each amended to read as follows:

(1) The pipeline for paraeducators conditional scholarship program is created. Participation is limited to paraeducators without a college degree who have at least ~~((three))~~ one year(~~(s))~~) 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))~~ four 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))~~ a teacher certification program ~~((provided in this chapter))~~ approved by the professional educator standards board.

(2) Entry requirements for candidates include district or building validation of qualifications, including ~~((three))~~ one

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year((s)) of successful student interaction and leadership as a classified instructional employee.

**Sec. 6.** RCW 28A.660.050 and 2016 c 233 s 14 are each amended to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the conditional scholarship programs in this chapter are created under the following guidelines:

(1) The programs shall be administered by the student achievement council. In administering the programs, the council has the following powers and duties:

(a) To adopt necessary rules and develop guidelines to administer the programs;

(b) To collect and manage repayments from participants who do not meet their service obligations; and

(c) To accept grants and donations from public and private sources for the programs.

(2) Requirements for participation in the conditional scholarship programs are as provided in this subsection (2).

(a) The alternative route conditional scholarship program is limited to interns of professional educator standards board-approved alternative route teacher certification programs (~~under RCW 28A.660.040~~). For fiscal year 2011, priority must be given to fiscal year 2010 participants in the alternative route partnership program. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment in an alternative route teacher certification program through a professional educator standards board-approved program;

(ii) Continue to make satisfactory progress toward completion of the alternative route teacher certification program and receipt of a residency teaching certificate; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed eight thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route teacher certification program in which the recipient is enrolled. The council may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified paraeducators as provided by RCW 28A.660.042. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment at a community and technical college for no more than ~~((two))~~ four years and attain an associate of arts degree;

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative route teacher certification program for an early childhood education, elementary education, mathematics, computer science, special education, bilingual education, or English as a second language endorsement; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed four thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route teacher certification program in which the recipient is enrolled. The student achievement council may adjust the annual award by the average rate of tuition and fee increases at the state community and technical colleges.

(c) The educator retooling conditional scholarship program is limited to current K-12 teachers. In order to receive conditional scholarship awards:

(i) Individuals currently employed as 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, elementary education, early childhood education, bilingual education, English language learner, computer science education, or environmental and sustainability education; or

(ii) Individuals who are certificated with an elementary education endorsement 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; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive 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, which shall include passing an endorsement test plus observation and completing applicable coursework to attain the proper endorsement; and

(iv) Individuals shall receive no more than the annual amount of the scholarship, not to exceed three thousand dollars, for the cost of tuition, test fees, and educational expenses, including books, supplies, and transportation for the endorsement pathway being pursued.

(3) The Washington professional educator standards board shall select individuals to receive conditional scholarships. In selecting recipients, preference shall be given to eligible veterans or national guard members. In awarding conditional scholarships to support additional bilingual education or English language learner endorsements, the board shall also give preference to teachers assigned to schools required under state or federal accountability measures to implement a plan for improvement, and to teachers assigned to schools whose enrollment of English language learner students has increased an average of more than five percent per year over the previous three years.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients who fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The student achievement council shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) The student achievement council may deposit all appropriations, collections, and any other funds received for the program in this chapter in the future teachers conditional scholarship account authorized in RCW 28B.102.080.

**NEW SECTION. Sec. 7.** Sections 5 and 6, chapter . . . , Laws of 2019 (sections 5 and 6 of this act) take effect only if Engrossed Substitute House Bill No. 1139, chapter . . . , Laws of 2019 is not enacted."

On page 1, beginning on line 1 of the title, after "28A.413.060" strike the remainder of the title and insert ", 28A.413.070, 28A.660.042, and 28A.660.050; adding a new section to chapter 28A.413 RCW; creating a new section; and providing a contingent effective date."

## ROLL CALL

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 587 by Senator Keiser on page 3, after line 33 to Substitute House Bill No. 1658.

The motion by Senator Wellman carried and amendment no. 587 was adopted by voice vote.

## MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1658 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1658 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1658 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey and McCoy

SUBSTITUTE HOUSE BILL NO. 1658 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1934, by Representatives Caldier, Kilduff, Mosbrucker, Irwin, Pollet, Chapman, Leavitt and Van Werven

Renewing a concealed pistol license by members of the armed forces.

The measure was read the second time.

## MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1934 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1934.

The Secretary called the roll on the final passage of House Bill No. 1934 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Saldaña

Excused: Senators Bailey and McCoy

HOUSE BILL NO. 1934, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696, by House Committee on Appropriations (originally sponsored by Dolan, Senn, Davis, Macri, Robinson, Jinkins, Kilduff, Wylie, Frame, Appleton, Ortiz-Self, Stanford, Goodman, Chapman, Peterson, Doglio, Pollet, Leavitt, Valdez and Gregerson)

Concerning wage and salary information.

The measure was read the second time.

## MOTION

Senator King moved that the following committee striking amendment by the Committee on Labor & Commerce be not adopted:

Strike everything after the enacting clause and insert the following:

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

(a) Women in this state have experienced pay discrimination based on salary history for decades;

(b) Women are regularly offered lower initial pay than men for the same jobs even where their levels of education and experience are the same or comparable;

(c) Such persistent earnings inequality for working women translates into lower pay, less family income, and more children and families in poverty; and

(d) As an important step towards gender and economic equality, the legislature has recently made explicit that using prior salary history to justify a wage differential between similarly employed workers of different genders is unlawful discrimination under the state equal pay act, and this practice is also unlawful under the federal equal pay act.

(2) The legislature therefore intends to follow multiple other states and take the additional step towards gender equality of prohibiting an employer from seeking the wage or salary history of an applicant for employment. Further, the legislature intends to require an employer to provide information about wage scales and salaries to employees.

**NEW SECTION. Sec. 2.** A new section is added to chapter 49.12 RCW to read as follows:

The definitions in this section apply throughout this section and

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sections 3 through 5 of this act unless the context clearly requires otherwise.

(1) "Employee" means a worker who is employed in the business of an employer. "Employee" includes workers performing in an executive, administrative, professional, or outside sales capacity.

(2) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees. "Employer" includes the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

**NEW SECTION. Sec. 3.** A new section is added to chapter 49.12 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.

**NEW SECTION. Sec. 4.** A new section is added to chapter 49.12 RCW to read as follows:

- (1) After the employer has initially determined that the applicant is otherwise qualified for the position, upon the request of the applicant for employment, an employer must provide the wage scale or salary range for the job title for the position for which the applicant is applying.
- (2) An employer must provide to each employee a wage scale or salary range for the employee's job title upon receipt of a new job title or promotion.
- (3) This section only applies to employers with fifteen or more employees.

**NEW SECTION. Sec. 5.** A new section is added to chapter 49.12 RCW to read as follows:

An employee may bring a civil action against an employer for violation of section 3 or 4 of this act for: Actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; and costs and reasonable attorneys' fees. The court may also order reinstatement and injunctive relief. Any wages and interest owed must be calculated from the first date wages were owed to the employee.

**NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "adding new sections to chapter 49.12 RCW; creating a new section; and prescribing penalties."

The President Pro Tempore declared the question before the Senate to be the motion to not adopt the committee striking amendment by the Committee on Labor & Commerce to Engrossed Substitute House Bill No. 1696.

The motion by Senator King carried and the committee striking

amendment was not adopted by voice vote.

MOTION

Senator King moved that the following striking amendment no. 607 by Senator Keiser be adopted:

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.

(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 the request of an applicant for employment, and 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 disclose 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."

Senators King and Wellman spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 607 by Senator Keiser to Engrossed Substitute House Bill No. 1696.

The motion by Senator King carried and striking amendment no. 607 was adopted by voice vote.

#### MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute House Bill No. 1696 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Wellman and Cleveland spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1696 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1696 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Braun, Ericksen, Fortunato, Holy, Honeyford, Mullet, Padden, Schoesler, Sheldon and Short

Excused: Senators Bailey and McCoy

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696, as amended by the Senate, having received the constitutional

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

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1706, by Representatives Frame, Sells, Macri, Doglio, Gregerson, Riccelli, Callan, Jinkins, Goodman, Valdez, Bergquist, Kloba and Pollet

Eliminating subminimum wage certificates for persons with disabilities.

The measure was read the second time.

#### MOTION

Senator Walsh moved that the following committee striking amendment by the Committee on Labor & Commerce be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 49.46 RCW to read as follows:

(1) Beginning July 1, 2020, no state agency may employ an individual to work under a special certificate issued under RCW 49.12.110 and 49.46.060 for the employment of individuals with disabilities at less than the minimum wage. Any special certificate issued by the director to a state agency for the employment of an individual with a disability at less than minimum wage must expire by June 30, 2020. For the purposes of this subsection (1), "state agency" means any office, department, commission, or other unit of state government.

(2) Beginning January 1, 2023, no entity in the state may employ an individual to work under a special certificate issued under RCW 49.12.110 and 49.46.060 for the employment of individuals with disabilities at less than the minimum wage. Any special certificate issued by the director for the employment of an individual with a disability at less than minimum wage must expire by December 31, 2022.

**NEW SECTION. Sec. 2.** (1) By December 1, 2022, the department of labor and industries and the department of social and health services shall submit a report to the appropriate committees of the legislature with the following information:

(a) The number of workers currently working under a special certificate issued under RCW 49.12.110 and 49.46.060 for the employment of individuals with disabilities at less than the minimum wage as of the date of the report;

(b) The counties of residence of the workers in (a) of this subsection; and

(c) Whether the workers in (a) of this subsection are eligible to receive individualized technical assistance and the estimated cost to the department of social and health services to provide individualized technical assistance to the workers who are not eligible.

(2) This section expires June 30, 2023."

On page 1, line 2 of the title, after "disabilities;" strike the remainder of the title and insert "adding a new section to chapter 49.46 RCW; creating a new section; and providing an expiration date."

#### MOTION

Senator Walsh moved that the following amendment no. 605 by Senator Walsh be adopted:

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On page 1, after line 2, insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the use of a subminimum wage by Washington employers has been declining. A number of other states have already amended their minimum wage laws to remove lowered standards for workers with disabilities. The greatest portion of the developmentally disabled population is capable of working independently; some with simple mentorship, others very competitively within the greater market. The legislature recognizes the value that individuals with disabilities add to the workforce, and seeks to better integrate them into our communities.

The legislature also recognizes that for a smaller number of individuals with disabilities, functioning in competitive, integrated employment may not be possible. For these individuals, long-term, supported group employment may provide a beneficial and worthwhile service that leads to a better life while also providing value respite for their family. Yet, Washington's current options focus on short-term employment support. By providing a phased-in timeline for changes to our minimum wage laws for workers with disabilities, the legislature intends to provide time to develop choices for long-term, state-supported employment opportunities, thereby ensuring all individuals with disabilities have choices that work for them."

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 30, after "subsection;" strike "and"

On page 2, line 1, after "in" strike "(a) of this subsection" and insert "this section"

On page 2, line 5, after "eligible" insert ";

(d) Options for employer-based incentives to help employers mitigate potential increased costs associated with moving away from paying subminimum wage;

(e) A survey of individuals currently or recently participating in a subminimum wage service opportunity and whether they prefer the subminimum wage service opportunity over other service options; and

(f) Current outreach efforts to both minimum and subminimum wage employers throughout the state and recommendations for how to develop and expand minimum wage employment service opportunities for individuals with disabilities"

On page 2, line 9, after "creating" strike "a new section" and insert "new sections"

Senators Walsh and Wellman spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 605 by Senator Walsh on page 1, after line 2 to the committee striking amendment.

The motion by Senator Walsh carried and amendment no. 605 was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor & Commerce as amended to Engrossed House Bill No. 1706.

The motion by Senator Walsh carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed House Bill No. 1706 as amended by the Senate was advanced to third reading, the second reading considered the third

and the bill was placed on final passage.

Senators Wellman, Fortunato, King, Randall, Padden, Walsh, Wilson, C. and Billig spoke in favor of passage of the bill.

Senators Honeyford and O'Ban spoke against passage of the bill.

#### MOTION

On motion of Senator Liias, further consideration of Engrossed House Bill No. 1706 was deferred and the bill held its place on the third reading calendar.

#### SECOND READING

HOUSE BILL NO. 1908, by Representatives Graham, Walsh, Griffey, Irwin and Corry

Repealing the electronic authentication act.

The measure was read the second time.

#### MOTION

On motion of Senator Zeiger, the rules were suspended, House Bill No. 1908 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1908.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1908 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey and McCoy

HOUSE BILL NO. 1908, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Mullet, Senators Carlyle and Nguyen were excused.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1311, by House Committee on Appropriations (originally sponsored by Bergquist, Ortiz-Self, Stonier, Dolan, Frame, Paul, Ryu, Sells, Valdez, Lekanoff, Stanford, Leavitt, Thai and Wylie)

Concerning college bound scholarship eligible students.

The measure was read the second time.

## MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.118.010 and 2018 c 204 s 1 and 2018 c 12 s 1 are each reenacted and amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the state need grant program in chapter 28B.92 RCW unless otherwise provided in this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches.

(i) If a student qualifies in the seventh or eighth grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter.

(ii) Beginning in the 2019-20 academic year, if a student qualifies for free or reduced-price lunches in the ninth grade and was previously ineligible during the seventh or eighth grade while he or she was a student in Washington, the student is eligible for the college bound scholarship program;

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school; or

(c) Were dependent pursuant to chapter 13.34 RCW and were adopted between the ages of fourteen and eighteen with a negotiated adoption agreement that includes continued eligibility for the Washington state college bound scholarship program pursuant to RCW 74.13A.025.

(2) Eligible students and the students' parents or guardians shall be notified of the student's eligibility for the Washington college bound scholarship program (~~(beginning in the student's seventh grade year)~~). Students and the students' parents or guardians shall also be notified of the requirements for award of the scholarship.

(3)(a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a)(i) of this section must sign a pledge during seventh or eighth grade (~~that includes~~) or a student eligible under subsection (1)(a)(ii) of this section must sign a pledge during ninth grade. The pledge must include a commitment to graduate from high school with at least a C average and with no felony convictions. The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.

(b)(i) Beginning in the 2018-19 academic year, the office of student financial assistance shall make multiple attempts to secure the signature of the student's parent or guardian for the purpose of witnessing the pledge.

(ii) If the signature of the student's parent or guardian is not obtained, the office of student financial assistance may partner with the school counselor or administrator to secure the parent's or guardian's signature to witness the pledge. The school counselor or administrator shall make multiple attempts via all phone numbers, email addresses, and mailing addresses on record to secure the parent's or guardian's signature. All attempts to contact the parent or guardian must be documented and maintained in the student's official file.

(iii) If a parent's or guardian's signature is still not obtained, the school counselor or administrator shall indicate to the office

of student financial assistance the nature of the unsuccessful efforts to contact the student's parent or guardian and the reasons the signature is not available. Then the school counselor or administrator may witness the pledge unless the parent or guardian has indicated that he or she does not wish for the student to participate in the program.

(c) A student eligible under subsection (1)(b) of this section shall be automatically enrolled, with no action necessary by the student or the student's family, and the enrollment form must be forwarded by the department of social and health services to the office of student financial assistance by mail or electronically, as indicated on the form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b)(i) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (e). A student who is eligible to receive the Washington college bound scholarship because the student is a resident student under RCW 28B.15.012(2)(e) must provide the institution, as defined in RCW 28B.15.012, an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses.

(ii) For eligible children as defined in subsection (1)(b) and (c) of this section, to receive the Washington college bound scholarship, a student must have received a high school equivalency certificate as provided in RCW 28B.50.536 or have graduated with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (e).

For a student who does not meet the "C" average requirement, and who completes fewer than two quarters in the running start program, under chapter 28A.600 RCW, the student's first quarter of running start course grades must be excluded from the student's overall grade point average for purposes of determining their eligibility to receive the scholarship.

(5) A student's family income will be assessed upon graduation before awarding the scholarship. (~~((6))~~) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(6)(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington or the representative average of awards granted to students in public research universities in Washington in the 2014-15 academic year, whichever is greater.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative



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average of awards granted to students in public community and technical colleges in Washington or the representative average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

**Sec. 2.** RCW 28B.118.040 and 2018 c 12 s 2 are each amended to read as follows:

The office of student financial assistance shall:

(1) With the assistance of the office of the superintendent of public instruction, implement and administer the Washington college bound scholarship program;

(2) Develop and distribute, to all schools with students enrolled in grades seven ~~((or eight))~~ through nine, a pledge form that can be completed and returned electronically or by mail by the student or the school to the office of student financial assistance;

(3) Develop and implement a student application, selection, and notification process for scholarships, which includes working with other state agencies, law enforcement, or the court system to verify that eligible students do not have felony convictions;

(4) Annually in March, with the assistance of the office of the superintendent of public instruction, distribute to tenth grade college bound scholarship students and their families: (a) Notification that, to qualify for the scholarship, a student's family income may not exceed sixty-five percent of the state median family income at graduation from high school; (b) the current year's value for sixty-five percent of the state median family income; and (c) a statement that a student should consult their school counselor if their family makes, or is projected to make, more than this value before the student graduates;

(5) Develop comprehensive social media outreach with grade-level specific information designed to keep students on track to graduate and leverage current tools such as the high school and beyond plan required by the state board of education and the ready set grad web site maintained by the student achievement council;

(6) Track scholarship recipients to ensure continued eligibility and determine student compliance for awarding of scholarships;

(7) Within existing resources, collaborate with college access providers and K-12, postsecondary, and youth-serving organizations to map and coordinate mentoring and advising resources across the state;

(8) Subject to appropriation, deposit funds into the state educational trust fund;

(9) Purchase tuition units under the advanced college tuition

payment program in chapter 28B.95 RCW to be owned and held in trust by the office of student financial assistance, for the purpose of scholarship awards as provided for in this section; and

(10) Distribute scholarship funds, in the form of tuition units purchased under the advanced college tuition payment program in chapter 28B.95 RCW or through direct payments from the state educational trust fund, to institutions of higher education on behalf of scholarship recipients identified by the office, as long as recipients maintain satisfactory academic progress.

**Sec. 3.** RCW 28B.118.090 and 2015 c 244 s 6 are each amended to read as follows:

(1) Beginning January 1, 2015, and at a minimum every year thereafter, the student achievement council and all institutions of higher education eligible to participate in the college bound scholarship program shall ensure data needed to analyze and evaluate the effectiveness of the college bound scholarship program is promptly transmitted to the education data center created in RCW 43.41.400 so that it is available and easily accessible. The data to be reported should include but not be limited to:

(a) The number of students who sign up for the college bound scholarship program in seventh ~~((or eighth))~~, eighth, or ninth grade;

(b) The number of college bound scholarship students who graduate from high school;

(c) The number of college bound scholarship students who enroll in postsecondary education;

(d) Persistence and completion rates of college bound scholarship recipients disaggregated by institutions of higher education;

(e) College bound scholarship recipient grade point averages;

(f) The number of college bound scholarship recipients who did not remain eligible and reasons for ineligibility;

(g) College bound scholarship program costs; and

(h) Impacts to the state need grant program.

(2) Beginning May 12, 2015, and at a minimum every December 1st thereafter, the student achievement council shall submit student unit record data for the college bound scholarship program applicants and recipients to the education data center.

**Sec. 4.** RCW 28B.92.060 and 2012 c 229 s 558 are each amended to read as follows:

In awarding need grants, the office shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the office, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The office shall annually select the financial aid award recipients from among Washington residents applying for student financial aid who have been ranked according to:

(a) College bound scholarship eligibility. Eligible students as defined in RCW 28B.118.010 who meet the requirements in RCW 28B.118.010(4)(b)(i) for the college bound scholarship may not be denied state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. College bound scholarship eligible students whose family income exceeds sixty-five percent of the state median family income, but who are eligible for the state need grant, shall be prioritized and awarded the maximum state need grant for which the student is eligible;

(b) Financial need as determined by the amount of the family contribution; and

~~((b))~~ (c) Other considerations, such as whether the student is a former foster youth, or is a placebound student who has completed an associate of arts or associate of science degree or its equivalent.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until disbursed, except that eligible former foster youth shall be assured receipt of a grant. The office, in consultation with four-year institutions of higher education, the council, and the state board for community and technical colleges, shall develop award criteria and methods of disbursement based on level of need, and not solely rely on a first-come, first-served basis.

(3) A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic progress toward completion of an eligible program as determined by the office. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.92.070.

(4) In computing financial need, the office shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions. Any child support payments received by students who are parents attending less than half-time shall not be used in computing financial need.

(5)(a) A student who is enrolled in three to six credit-bearing quarter credits, or the equivalent semester credits, may receive a grant for up to one academic year before beginning a program that leads to a degree or certificate.

(b) An eligible student enrolled on a less-than-full-time basis shall receive a prorated portion of his or her state need grant for any academic period in which he or she is enrolled on a less-than-full-time basis, as long as funds are available.

(c) An institution of higher education may award a state need grant to an eligible student enrolled in three to six credit-bearing quarter credits, or the semester equivalent, on a provisional basis if:

(i) The student has not previously received a state need grant from that institution;

(ii) The student completes the required free application for federal student aid;

(iii) The institution has reviewed the student's financial condition, and the financial condition of the student's family if the student is a dependent student, and has determined that the student is likely eligible for a state need grant; and

(iv) The student has signed a document attesting to the fact that the financial information provided on the free application for federal student aid and any additional financial information provided directly to the institution is accurate and complete, and that the student agrees to repay the institution for the grant amount if the student submitted false or incomplete information.

(6) As used in this section, "former foster youth" means a person who is at least eighteen years of age, but not more than twenty-four years of age, who was a dependent of the department of social and health services at the time he or she attained the age of eighteen.

**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, beginning on line 1 of the title, after "students;" strike the remainder of the title and insert "amending RCW 28B.118.040, 28B.118.090, and 28B.92.060; reenacting and amending RCW 28B.118.010; and creating a new section."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1311.

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

#### MOTION

On motion of Senator Palumbo, the rules were suspended, Engrossed Second Substitute House Bill No. 1311 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Palumbo and Wilson, C. spoke in favor of passage of the bill.

Senators Holy and Schoesler spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1311 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1311 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Holy, Honeyford, King, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators Bailey, Carlyle, McCoy and Nguyen

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1311, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1377, by House Committee on Housing, Community Development & Veterans (originally sponsored by Walen, Barkis, Jenkin, Harris, Springer, Macri, Wylie, Ryu, Reeves, Robinson, Griffey, Appleton, Bergquist, Jinkins, Tharinger, Slatter, Kloba, Doglio, Goodman, Leavitt, Ormsby and Santos)

Concerning affordable housing development on religious organization property.

The measure was read the second time.

#### MOTION

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Senator Kuderer moved that the following committee striking amendment by the Committee on Housing Stability & Affordability be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 35.63 RCW to read as follows:

(1) A city planning under this chapter must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization provided that:

(a) The affordable housing development is set aside for or occupied exclusively by low-income households;

(b) The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least fifty years, even if the religious organization no longer owns the property; and

(c) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(2) A city may develop policies to implement this section if it receives a request from a religious organization for an increased density bonus for an affordable housing development.

(3) The religious organization developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.

(4) If applicable, the religious organization developing the affordable housing development should work with the local transit agency to ensure appropriate transit services are provided to the affordable housing development.

(5) This section applies to any religious organization rehabilitating an existing affordable housing development.

(6) For purposes of this section:

(a) "Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit;

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located; and

(c) "Religious organization" has the same meaning as in RCW 35.21.915.

**NEW SECTION. Sec. 2.** A new section is added to chapter 35A.63 RCW to read as follows:

(1) A city planning under this chapter must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization provided that:

(a) The affordable housing development is set aside for or occupied exclusively by low-income households;

(b) The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least fifty years, even if the religious organization no longer owns the property; and

(c) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(2) A city may develop policies to implement this section if it receives a request from a religious organization for an increased density bonus for an affordable housing development.

(3) The religious organization developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.

(4) If applicable, the religious organization developing the affordable housing development should work with the local transit agency to ensure appropriate transit services are provided to the affordable housing development.

(5) This section applies to any religious organization rehabilitating an existing affordable housing development.

(6) For purposes of this section:

(a) "Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit;

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located; and

(c) "Religious organization" has the same meaning as in RCW 35A.21.360.

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Any city or county fully planning under this chapter must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization provided that:

(a) The affordable housing development is set aside for or occupied exclusively by low-income households;

(b) The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least fifty years, even if the religious organization no longer owns the property; and

(c) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(2) A city or county may develop policies to implement this section if it receives a request from a religious organization for an increased density bonus for an affordable housing development.

(3) An affordable housing development created by a religious institution within a city or county fully planning under RCW 36.70A.040 must be located within an urban growth area as

defined in RCW 36.70A.110.

(4) The religious organization developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.

(5) If applicable, the religious organization developing the affordable housing development should work with the local transit agency to ensure appropriate transit services are provided to the affordable housing development.

(6) This section applies to any religious organization rehabilitating an existing affordable housing development.

(7) For purposes of this section:

(a) "Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit;

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located; and

(c) "Religious organization" has the same meaning as in RCW 36.01.290.

**NEW SECTION. Sec. 4.** A new section is added to chapter 44.28 RCW to read as follows:

The joint committee must review the efficacy of the increased density bonus incentive for affordable housing development located on property owned by a religious organization pursuant to this act and report its findings to the appropriate committees of the legislature by December 1, 2030. The review must include a recommendation on whether this incentive should be continued without change or should be amended or repealed."

On page 1, line 2 of the title, after "property;" strike the remainder of the title and insert "adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70A RCW; and adding a new section to chapter 44.28 RCW."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Housing Stability & Affordability to Substitute House Bill No. 1377.

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

#### MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 1377 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Zeiger and Fortunato spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1377 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1377 as amended by the Senate and the bill passed

the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Mullet, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Honeyford and Wagoner

Excused: Senators Bailey, Carlyle, McCoy and Nguyen

SUBSTITUTE HOUSE BILL NO. 1377, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1344, by House Committee on Appropriations (originally sponsored by Reeves, Ryu, Sells, Valdez, Goodman, Robinson, Shewmake, Stonier, Macri, Kilduff, Leavitt and Pollet)

Concerning child care access.

The measure was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that child care is a sector that is critical to the vitality and economic security of our state and communities and families, and that families in Washington face significant barriers to accessing and affording high quality child care. The legislature finds that Washington's committed caregivers and state investments and advancements in our quality rating and improvement system ensure that quality, culturally relevant child care supports children's healthy development and prepares them for success in school and in life. The legislature recognizes that provider diversity and cultural relevance are fundamental components of quality, and that parent choice is a priority throughout the state's early learning system.

(2) The legislature finds that the cost of quality child care is unaffordable for many families and state support is needed to ensure that all children and families in Washington can access safe, enriching child care.

(3) The legislature recognizes that expanding access to quality child care requires preparing the market of child care providers to meet existing and expanded demand. The legislature finds that the market of child care providers is shrinking, that child care deserts are expanding, and that fewer providers are offering services to working connections child care subsidy recipients. The legislature additionally finds that child care providers are unable to recruit and retain a qualified workforce; that wages in the industry remain among the lowest of all professions, at or near minimum wage; and that the relationship between a child and a qualified caregiver is of paramount importance to parents and, according to a rapidly accumulating body of brain science, is foundational to supporting healthy development.

(4) Further, while the system awaits systemic change, the

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legislature finds that steps must be taken to begin to preserve and expand access to child care for child care subsidy recipients, stabilize the child care industry, and reduce turnover in the workforce.

(5) Therefore, the legislature intends to promote high quality child care from diverse providers that is accessible and affordable to all families of Washington's children ages birth to twelve.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.330 RCW to read as follows:

(1)(a) The department shall enter into one or more contracts for the development of a regional assessment of the child care industry in Washington in order to better understand issues affecting child care access and affordability for families. The department shall collaborate with the office of innovation, alignment, and accountability within the department of children, youth, and families to ensure efficient use of available data and rigorous research methods and to assist with interpretation of data and report preparation.

(b) The department shall conduct one or more competitive solicitations in accordance with chapter 39.26 RCW to select a third-party entity or entities to conduct the industry assessment in partnership with a statewide organization representing parents. The third-party entity or entities selected by the department through the competitive process must have experience in national industry assessment and expertise in conducting facilities' needs assessments. The statewide organization representing parents must have experience conducting parent listening tours.

(c) The department may use a combination of private and public resources to support activities related to the child care industry assessment conducted under this section.

(2) The industry assessment must be submitted to the appropriate policy and fiscal committees of the legislature, the governor, and the members of the child care collaborative task force established in chapter 91, Laws of 2018 by July 1, 2020. The assessment may be developed using existing reports, studies, models, and analysis related to child care affordability and access. The assessment must, at a minimum:

(a) Incorporate current data on the number of children age twelve and under who are receiving care from child care and early learning providers. The data must differentiate, to the extent possible: Children served by licensed and certified child care centers and family homes; public schools providing preschool and child care programs; private schools providing child care programs; state agencies and other public municipalities providing child care programs; license-exempt providers who care for children for four hours or less per day; family, friend, and neighbor caregivers; nannies and au pairs; religious organizations providing care; entities providing before-and-after school care; employer-supported child care; and other formal and informal networks of care. The data must, to the extent possible, include a breakdown by provider type of the:

- (i) Number of children receiving state subsidized care;
- (ii) Number of children receiving exclusively private pay care;
- (iii) Number of providers who are accepting state subsidy and, for providers who are not accepting subsidy, reasons why not;
- (iv) Demographics of children served, including age, race, rates of developmental delays or disability, family income, home language, and population group trends. Demographic information must include military, homeless, and tribal families; and
- (v) Demographics of providers, including age, race, family income, home language, number of years providing care, education levels, utilization rates of state assistance, and the number of times a provider has changed locations;

(b) Define and describe the characteristics of the informal child care market, including estimates of the children served in this

market by age group;

(c) Identify family child care choices by family income bracket;

(d) Include a visual representation of child care supply and demand by region that identifies areas with the highest need related to child care accessibility and affordability;

(e) Identify trends in the relationship between private pay rates and subsidy rates for child care providers;

(f) Include, to the extent possible, an analysis of the industry's quantitative or qualitative contribution to the state's economy, including:

(i) Employment and wage information for self-employed licensed child care providers and the employees of licensed child care providers, including information about providers accessing public assistance;

(ii) Workforce pipeline data for early learning professions;

(iii) The estimated costs to the state economy of child care inaccessibility, including lost economic activity and reduced tax revenue; and

(iv) Direct and indirect effects on labor participation, workplace productivity, and household earnings of working parents who use child care. The analysis must include information related to the workplace productivity of workers using employer-supported child care; and

(g) Include a facilities needs assessment to determine the type and number of child care facilities necessary to address unmet capacity needs for high quality child care programs such as the early childhood education and assistance program, headstart, working connections child care, and early head start. The needs assessment must include zip code level analysis to identify geographic areas with concentrated barriers to access.

(3) For the purposes of this section, "employer-supported child care" means:

(a) A licensed child care center operated at or near the workplace by an employer for the benefit of employees; or

(b) Financial assistance provided by an employer for licensed child care expenses incurred by an employee.

(4) This section expires December 31, 2020.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.41 RCW to read as follows:

(1) The office of financial management, within existing resources, in partnership with the department of commerce, the office of innovation, alignment, and accountability within the department of children, youth, and families, and the health care authority, shall develop a survey for state executive branch agency employees in order to better understand issues affecting child care access and affordability for state employees' families.

(2) The survey must, at a minimum:

(a) Identify the number of children age twelve and under of state employees who are receiving care from child care or early learning providers. The survey must allow employees to differentiate, to the extent possible, the type of child care or early learning provider serving the family, including:

(i) Licensed and certified child care centers and family homes;

(ii) License-exempt providers who care for children for four hours or less per day;

(iii) Family, friend, and neighbor caregivers;

(iv) Nannies and au pairs;

(v) Religious organizations providing care;

(vi) Entities providing before-and-after school care;

(vii) Employer-supported child care; and

(viii) Other formal and informal networks of care;

(b) Identify the number of children age twelve and under whose care is paid for in whole or in part with state subsidies;

(c) Allow employees to describe challenges they face in

accessing or paying for child care; and

(d) Ask employees to provide their total annual household income.

(3) The survey must be made available to all state executive branch agency employees with children age twelve and under no later than January 15, 2020.

(4) The department of commerce, in collaboration with the office of financial management and the office of innovation, alignment, and accountability within the department of children, youth, and families, shall analyze this data and report as part of the larger industry analysis described in section 2 of this act. In addition to the information required under section 2 of this act, the report must also include:

(a) A breakdown of:

(i) The number of children of state executive branch agency employees receiving care based on provider type;

(ii) The number of children of state executive branch agency employees receiving state subsidized care; and

(iii) The number of children of state executive branch agency employees receiving exclusively private pay care;

(b) An analysis of the relationship between family child care choices and household income bracket; and

(c) A narrative summary of the challenges that state executive branch agency employees face in accessing or paying for child care.

(5) This section expires December 31, 2020.

**Sec. 4.** 2018 c 91 s 1 (uncodified) is amended to read as follows:

(1) The department of commerce and the department of children, youth, and families shall jointly convene and facilitate a child care collaborative task force to:

(a) Examine the effects of child care affordability and accessibility on the workforce and on businesses; and

(b) Develop policy recommendations pursuant to section 6 of this act. ~~((The director of the department of commerce or his or her designee must convene the first meeting of the task force by September 1, 2018.))~~

(2) The task force shall develop policies and recommendations to incentivize employer-supported child care and improve child care access and affordability for employees. To accomplish its duties, the task force shall evaluate current available data including, but not limited to:

(a) Child care market rate survey reports, including data related to the geographic distribution of licensed child care providers and the demand for, cost, and availability of such providers;

(b) Best practices for employer-supported child care; ~~((and))~~

(c) Research related to the economic and workforce impacts of employee access to high quality, affordable child care; and

(d) The industry assessment conducted pursuant to section 2 of this act.

(3) The governor shall appoint ~~((additional))~~ voting task force members as follows:

(a) ~~((Five representatives of private business, including: One representative of a small business; one representative of a medium sized business; one representative of a large business; and two chamber of commerce representatives, one located east of the crest of the Cascade mountains and one located west of the crest of the Cascade mountains;~~

~~((b))~~) (b) One representative from a union representing child care providers;

~~((c))~~) (b) One representative from the statewide child care resource and referral network;

~~((d))~~) (c) One representative of an organization representing the interests of licensed child day care centers;

~~((e))~~) (d) One representative of a statewide nonprofit

organization comprised of senior executives of major private sector employers;

~~((f))~~) (e) One representative of a nongovernmental private-public partnership supporting home visiting service delivery;

~~((g))~~) (f) One representative of a federally recognized tribe; and

~~((h))~~) (g) One representative from an association representing business interests.

(4) One representative from each of the following agencies shall serve as a nonvoting member of the task force and provide data and information to the task force upon request:

(a) The department of commerce;

(b) The department of children, youth, and families, The representative from the department of children, youth, and families must have expertise in child care subsidy policy; and

~~(c) ((The employment security department;~~

~~(d) The department of revenue;~~

~~(e) The department of social and health services; and~~

~~((f))~~) The office of the governor.

(5) The president of the senate shall appoint one member to the task force from each of the two largest caucuses of the senate to serve as ~~((nonvoting))~~ voting members of the task force.

(6) The speaker of the house of representatives shall appoint one member to the task force from each of the two largest caucuses in the house of representatives to serve as ~~((nonvoting))~~ voting members of the task force.

(7) The governor shall appoint the following nonvoting members:

(a) Three representatives from the child care industry. At least one of the child care industry representatives must be a provider from a rural community. The three representatives must include: One licensed child day care center provider; one licensed family day care provider; and one representative of family, friend, and neighbor child care providers;

(b) ~~((Two representatives of economic development organizations, one located east of the crest of the Cascade mountains and one located west of the crest of the Cascade mountains;~~

~~((c) Four representatives of))~~ One representative from each of the following: An advocacy organization((s)) representing parents, an early learning advocacy organization, and a foster care youth((, and expanded learning opportunity interests)) advocacy organization;

~~((d) One representative from an association representing statewide transit interests;~~

~~((e) One representative of an institution of higher education; and~~

~~((f) One representative of a nonprofit organization providing training and professional development for family day care providers and family, friend, and neighbor child care providers))~~

(c) One representative from the child care workforce development technical work group established in chapter 1, Laws of 2017 3rd sp. sess.;

(d) An early learning policy expert; and

(e) One representative of an organization of early learning providers focused on preserving languages and culture by serving immigrant and refugee communities.

(8) The director of commerce or the secretary of the department of children, youth, and families or ~~((his or her))~~ their designee, may invite additional representatives to participate as nonvoting members of the task force.

(9) The task force chair and vice chair must be elected by a majority vote of voting task force members.

(10) Staff support for the task force must be provided by the department of commerce.

(11) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

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Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(12) Licensed family home child care providers and child care center providers serving as members of the task force must be reimbursed for the cost of hiring a substitute for times the provider is away from the child care businesses for official task force travel and meetings.

(13) In accordance with RCW 43.01.036 the task force shall report its initial findings and recommendations pursuant to this section to the governor and the appropriate committees of the legislature by November 1, 2019. The report must include findings related to:

- (a) Options for the state to incentivize the provision of:
  - (i) Employer-supported child care by public and private employers; and
  - (ii) Back-up child care by public and private employers;
- (b) Opportunities for streamlining permitting and licensing requirements to facilitate the development and construction of child care facilities;
- (c) Potential tax incentives for private businesses providing employer-supported child care;
- (d) A model policy for the establishment of a "bring your infant to work" program for public and private sector employees; and
- (e) Policy recommendations that address racial, ethnic, and geographic disparity and disproportionality in service delivery and accessibility to services for families.

~~((43))~~ (14) For the purposes of this section:

- (a) "Back-up child care" means a temporary child care arrangement that is provided when normal child care arrangements are unavailable.
- (b) "Employer-supported child care" includes:
  - (i) A licensed child care center operated at or near the workplace by an employer for the benefit of employees; or
  - (ii) Financial assistance provided by an employer for licensed child care expenses incurred by an employee.

~~((44))~~ (15) This section expires ~~((December 30, 2019))~~ July 1, 2021.

**NEW SECTION. Sec. 5.** (1) Members of the child care collaborative task force created by chapter 91, Laws of 2018, and serving on the task force as of January 1, 2019, may continue to serve as members of the task force without reappointment.

(2) This section expires July 1, 2021.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.330 RCW to read as follows:

- (1) The child care collaborative task force shall:
  - (a)(i) Develop a child care cost estimate model to determine the full costs providers would incur when providing high quality child care, including recommended teacher-child ratios based on research and best practices. The model must include:
    - (A) Regional differences;
    - (B) Employee salaries and benefits;
    - (C) Enrollment levels;
    - (D) Facility costs; and
    - (E) Costs associated with compliance with statutory and regulatory requirements, including quality rating system participation and identify specific costs associated with each level of the rating system and any quality indicators utilized.
  - (ii) The model must utilize existing data and research available from existing studies and reports.
  - (iii) The model must consider differentiating subsidy rates by child age and region, evaluate the effectiveness of current child care subsidy region boundaries, and examine alternatives such as zip code level regions or regionalization based on urban, suburban, and rural designations;

(b) Consider how the measure of state median income could be used in place of federal poverty level when determining eligibility for child care subsidy;

(c) Evaluate recommendations from the department of children, youth, and families' technical work group on compensation, including consideration of pay scale changes, to achieve pay parity with K-12 teachers by January 1, 2025. When considering implementation of the technical work group recommendations, the task force shall further develop policy recommendations for the department of children, youth, and families that:

- (i) Endeavor to preserve and increase racial and ethnic equity and diversity in the child care workforce and recognize the value of cultural competency and multilingualism;
- (ii) Include a salary floor that supports recruitment and retention of a qualified workforce in every early learning setting, determined by an analysis of fields that compete to recruit workers with comparable skills, competencies, and experience of early childhood educators;
- (iii) Index salaries for providers against the salary for a typical preschool lead teacher, differentiating base compensation for varying levels of responsibility within the early childhood workplace including consideration of center directors, assistant directors, lead teachers, assistant teachers, paraprofessionals, family child care owners, and family home assistants;
- (iv) Incentivize advancements in relevant higher education credentials and credential equivalencies, training, and years of experience, by increasing compensation for each of these, including early learning certificates, associate degrees, bachelor's degrees, master's degrees, and doctoral degrees;
- (v) Consider credential equivalencies, including certified demonstration of competencies developed through apprenticeships, peer learning models, community-based training, and other strategies;
- (vi) Consider a provider's years of experience in the field and years of experience at his or her current site;
- (vii) Differentiate subsidy rates by region; and
- (viii) Provide additional targeted investments for providers serving a high proportion of working connections child care families, providers demonstrating additional linguistic or cultural competency, and providers serving populations furthest from opportunity, including:

- (A) Families enrolled in the early childhood education and assistance program;
  - (B) Underserved geographic communities;
  - (C) Underserved ethnic or linguistic communities;
  - (D) Underserved age groups such as infants and toddlers; and
  - (E) Populations with specialized health or educational needs;
- (d) Develop a phased implementation plan for policy changes to the working connections child care program. The implementation plan must focus on children and families furthest from opportunity as defined by income and must include recommended targeted supports for providers serving children who are underserved and emphasize greater racial equity. Implementation plan components must include:

- (i) Increasing program income eligibility to three hundred percent of the federal poverty level or eighty-five percent of the state median income;
- (ii) Establishing a graduated system of copayments that eliminates the cliff effect for families and limits the amount a family pays for child care to a maximum of seven percent of the family's income by January 1, 2025;
- (iii) Developing a model to enable the state to provide contracted slots to programs serving working connections child care families in order to expand access for low-income families;

(iv) Eliminating work requirements for student families participating in the working connections child care program; and

(v) Eliminating the fiscal cap on working connections child care enrollment; and

(e) Develop a strategy, timeline, and implementation plan to reach the goal of accessible and affordable child care for all families by the year 2025.

(2) By December 1, 2020, the task force must submit its findings and required implementation plan pursuant to subsection (1)(a) through (d) of this section to the governor and the appropriate committees of the legislature. By June 1, 2021, the task force must submit the strategy, timeline, and implementation plan required by subsection (1)(e) of this section to the governor and the appropriate committees of the legislature.

(3) This section expires July 1, 2021.

**NEW SECTION. Sec. 7.** (1) By January 1, 2025, the department of children, youth, and families must use the child care cost model developed under section 6 of this act to determine child care subsidy rates.

(2) This section expires January 30, 2025.

**NEW SECTION. Sec. 8.** Section 4 of this act is added to chapter 43.330 RCW.

**NEW SECTION. Sec. 9.** This act may be known and cited as the Washington child care access now act.

**NEW SECTION. Sec. 10.** 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 2 of the title, after "act;" strike the remainder of the title and insert "amending 2018 c 91 s 1 (uncodified); adding new sections to chapter 43.330 RCW; adding a new section to chapter 43.41 RCW; creating new sections; and providing expiration dates."

#### MOTION

Senator Hasegawa moved that the following amendment no. 622 by Senators Hasegawa, Nguyen and Wilson, C. be adopted:

On page 1, line 19, after "(3)" insert "The legislature finds that access to high quality early learning programs is not equal statewide and that children in low-income families face disparate outcomes due to the lack of access to programs.

(4)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 2, line 6, after "intends" strike "to promote" and insert "to: Promote"

On page 2, line 8, after "twelve" insert "; and renew its goal of expanding access to high quality early learning programs and working toward incorporating certain early learning programs into an expanded definition of basic education"

Senator Hasegawa spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 622 by Senators Hasegawa, Nguyen and Wilson, C. on page 1, line 19 to the committee striking amendment.

The motion by Senator Hasegawa did not carry and amendment no. 622 was not adopted by voice vote.

#### MOTION

Senator Wellman moved that the following amendment no. 604 by Senator Wellman be adopted:

On page 8, beginning on line 1, after "organization," strike all material through "organization" on line 2 and insert "a foster care youth advocacy organization, and an organization representing expanded learning opportunity interests"

Senators Wellman and Hawkins spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 604 by Senator Wellman on page 8, line 1 to the committee striking amendment.

The motion by Senator Wellman carried and amendment no. 604 was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Second Substitute House Bill No. 1344.

The motion by Senator Wellman carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1344 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Fortunato spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1344 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1344 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 25; Nays, 20; Absent, 0; Excused, 4.

Voting yea: Senators Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Takko, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hasegawa, Hawkins, Holy, Honeyford, King, Mullet, O'Ban, Padden, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick and Wilson, L.

Excused: Senators Bailey, Carlyle, McCoy and Nguyen

SECOND SUBSTITUTE HOUSE BILL NO. 1344, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1476, by House Committee on Consumer Protection & Business (originally sponsored by Stanford, Appleton and Fitzgibbon)



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Concerning contracts for dogs and cats.

The measure was read the second time.

### MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Financial Institutions, Economic Development & Trade be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 63.10 RCW to read as follows:

A contract entered into on or after the effective date of this section to transfer ownership of a live dog or cat in which ownership is contingent upon the making of payments over a period of time subsequent to the transfer of possession of the live dog or cat, or provides for or offers the option of transferring ownership of the dog or cat at the end of a lease term, is void and unenforceable.

**NEW SECTION. Sec. 2.** A new section is added to chapter 63.14 RCW to read as follows:

A retail installment contract entered into on or after the effective date of this section that includes a live dog or cat as a security interest for the contract is void and unenforceable.

**NEW SECTION. Sec. 3.** A new section is added to chapter 31.04 RCW to read as follows:

A contract entered into on or after the effective date of this section for the payment to repay a loan for the purchase of a live dog or cat, where a security interest is granted in the dog or cat, is void and unenforceable.

**Sec. 4.** RCW 62A.9A-109 and 2000 c 250 s 9A-109 are each amended to read as follows:

(a) **General scope of Article.** Except as otherwise provided in subsections (c) and (d) of this section, this Article applies to:

- (1) A transaction, regardless of its form, that creates a security interest in personal property or fixtures by contract;
- (2) An agricultural lien;
- (3) A sale of accounts, chattel paper, payment intangibles, or promissory notes;
- (4) A consignment;
- (5) A security interest arising under RCW 62A.2-401, 62A.2-505, 62A.2-711(3), or 62A.2A-508(5), as provided in RCW 62A.9A-110; and
- (6) A security interest arising under RCW 62A.4-210 or 62A.5-118.

(b) **Security interest in secured obligation.** The application of this Article to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this Article does not apply.

(c) **Extent to which Article does not apply.** This Article does not apply to the extent that:

- (1) A statute, regulation, or treaty of the United States preempts this Article;
- (2) Another statute of this state expressly governs the creation, perfection, priority, or enforcement of a security interest created by this state or a governmental unit of this state;
- (3) A statute of another state, a foreign country, or a governmental unit of another state or a foreign country, other than a statute generally applicable to security interests, expressly governs creation, perfection, priority, or enforcement of a security

interest created by the state, country, or governmental unit; or

(4) The rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under RCW 62A.5-114.

(d) **Inapplicability of Article.** This Article does not apply to:

- (1) A landlord's lien, other than an agricultural lien;
- (2) A lien, other than an agricultural lien, given by statute or other rule of law for services or materials, but RCW 62A.9A-333 applies with respect to priority of the lien;
- (3) An assignment of a claim for wages, salary, or other compensation of an employee;
- (4) A sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose;
- (5) An assignment of accounts, chattel paper, payment intangibles, or promissory notes which is for the purpose of collection only;
- (6) An assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;
- (7) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;
- (8) A transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any subsequent assignment of the right to payment, but RCW 62A.9A-315 and 62A.9A-322 apply with respect to proceeds and priorities in proceeds;
- (9) An assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;
- (10) A right of recoupment or set-off, but:
  - (A) RCW 62A.9A-340 applies with respect to the effectiveness of rights of recoupment or set-off against deposit accounts; and
  - (B) RCW 62A.9A-404 applies with respect to defenses or claims of an account debtor;
- (11) The creation or transfer of an interest in or lien on real property, including a lease or rents thereunder, except to the extent that provision is made for:
  - (A) Liens on real property in RCW 62A.9A-203 and 62A.9A-308;
  - (B) Fixtures in RCW 62A.9A-334;
  - (C) Fixture filings in RCW 62A.9A-501, 62A.9A-502, 62A.9A-512, 62A.9A-516, and 62A.9A-519; and
  - (D) Security agreements covering personal and real property in RCW 62A.9A-604;
- (12) An assignment of a claim arising in tort, other than a commercial tort claim, but RCW 62A.9A-315 and 62A.9A-322 apply with respect to proceeds and priorities in proceeds;
- (13) An assignment in a consumer transaction of a deposit account on which checks can be drawn, but RCW 62A.9A-315 and 62A.9A-322 apply with respect to proceeds and priorities in proceeds; (~~(e)~~)
- (14) A transfer by this state or a governmental unit of this state; or
- (15) The creation or transfer of an interest in or lien on a live dog or cat.

**NEW SECTION. Sec. 5.** In addition to any other remedies provided by law, the consumer taking possession of a live dog or cat that is transferred under a contract declared to be void and unenforceable under section 1, 2, or 3 of this act is deemed the owner of the dog or cat and is also entitled to the return of all amounts the consumer paid under the contract.

**NEW SECTION. Sec. 6.** Nothing in this act may be construed to apply to contracts for payments to repay an

unsecured loan for the purchase of a live dog or cat."

On page 1, line 1 of the title, after "cats;" strike the remainder of the title and insert "amending RCW 62A.9A-109; adding a new section to chapter 63.10 RCW; adding a new section to chapter 63.14 RCW; adding a new section to chapter 31.04 RCW; and creating new sections."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Economic Development & Trade to Substitute House Bill No. 1476.

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

#### MOTION

On motion of Senator Mullet, the rules were suspended, Substitute House Bill No. 1476 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Wilson, L., Rivers, Palumbo and Hasegawa spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator O'Ban: "I'm wondering if the gentleman from the Fifth would yield to a question?"

President Pro Tempore Keiser: "Would the gentleman yield?"

Senator O'Ban: "So, I can understand \$3,000.00 perhaps for a dog but for a cat? Does anybody pay that kind of money on a lease or a contract for a cat? I wonder if the gentleman from the Fifth can answer that question. We have a cat, let me tell you, well, I won't go any further."

Senator Mullet: "I'm allergic to cats. If this is a cat bill I wouldn't be even supporting it right now."

Senator Schoesler spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1476 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1476 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Takko, Walsh, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Erickson, Fortunato, Padden, Schoesler, Van De Wege, Wagoner and Warnick

Excused: Senators Bailey, Carlyle, McCoy and Nguyen

SUBSTITUTE HOUSE BILL NO. 1476, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1605, by House Committee on Human Services & Early Learning (originally sponsored by Dent, Peterson, Griffey, Caldier, Goodman, Volz, Stanford, Lovick, Reeves, Klippert, Frame, Schmick, Harris, Appleton, Kretz, DeBolt, Cody, Macri, Orwall, Shea, Blake, Kloba, Doglio, Ortiz-Self, Eslick, Jinkins, Van Werven, Fey, Ormsby, Callan, Bergquist, Tarleton and Leavitt)

Requiring traumatic brain injury screenings for children entering the foster care system.

The measure was read the second time.

#### MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 1605 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Walsh spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1605.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1605 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey, Carlyle, McCoy and Nguyen

SUBSTITUTE HOUSE BILL NO. 1605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:47 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator Hasegawa announced a meeting of the Democratic Caucus immediately upon going at ease.

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#### EVENING SESSION

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The Senate was called to order at 6:08 p.m. by President Pro Tempore Keiser.

#### MOTION

On motion of Senator Liias, the Senate advanced to the seventh

order of business.

SIGNED BY THE PRESIDENT PRO TEMPORE

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

- SENATE BILL NO. 5124,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5131,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5148,
- SUBSTITUTE SENATE BILL NO. 5175,
- SENATE BILL NO. 5199,
- SUBSTITUTE SENATE BILL NO. 5305,
- SECOND SUBSTITUTE SENATE BILL NO. 5352,
- SUBSTITUTE SENATE BILL NO. 5399,
- SUBSTITUTE SENATE BILL NO. 5403,
- ENGROSSED SENATE BILL NO. 5439,
- SUBSTITUTE SENATE BILL NO. 5461,
- SENATE BILL NO. 5490,
- SUBSTITUTE SENATE BILL NO. 5514,
- SUBSTITUTE SENATE BILL NO. 5612,
- SUBSTITUTE SENATE BILL NO. 5621,
- SENATE BILL NO. 5649,
- SENATE BILL NO. 5786,
- SENATE BILL NO. 5831,
- SUBSTITUTE SENATE BILL NO. 5885,
- ENGROSSED SENATE BILL NO. 5958,
- and ENGROSSED SUBSTITUTE SENATE BILL NO. 5959.

The senate resumed consideration of Substitute House Bill No. 1575 which had been deferred on the previous day.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1575, by House Committee on Labor & Workplace Standards (originally sponsored by Stonier, Valdez, Ryu, Sells, Chapman, Cody, Macri, Peterson, Kloba, Lovick, Gregerson, Fey, Pollet, Senn, Riccelli, Lekanoff, Fitzgibbon, Bergquist, Stanford, Doglio, Tharinger, Goodman, Jenkins, Frame and Davis)

Strengthening the rights of workers through collective bargaining by addressing authorizations and revocations, certifications, and the authority to deduct and accept union dues and fees.

The bill was read on Third Reading.

Senator Saldaña spoke in favor of passage of the bill.  
 Senator King spoke against passage of the bill.

Senator Padden moved that the remarks of Senator King regarding Substitute House Bill No. 1575 be spread upon the journal.

Senator Liias objected to the motion by Senator Padden.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Padden that the remarks of Senator King regarding Substitute House Bill No. 1575 be spread upon the journal.

The motion by Senator Padden did not carry and the remarks of Senator King were not spread upon the journal by a rising vote.

Senators Conway and Frockt spoke in favor of passage of the

bill.

Senators Braun, Schoesler, Hasegawa, Ericksen, Short and Sheldon spoke against passage of the bill.

MOTION

On motion of Senator Wilson, C., Senator Mullet was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1575 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1575 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hasegawa, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Bailey, McCoy and Mullet

SUBSTITUTE HOUSE BILL NO. 1575, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:52 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of dinner.

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The Senate was called to order at 7:50 p.m. by President Pro Tempore Keiser.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Cleveland moved that Deborah Young, Senate Gubernatorial Appointment No. 9041, be confirmed as a member of the Transportation Commission.

Senator Cleveland spoke in favor of the motion.

MOTIONS

On motion of Senator Rivers, Senator Sheldon was excused.

On motion of Senator Wilson, C., Senators Carlyle and Conway were excused.

On motion of Senator Wilson, C., Senator Hobbs was excused.

APPOINTMENT OF DEBORAH YOUNG

The President Pro Tempore declared the question before the Senate to be the confirmation of Deborah Young, Senate Gubernatorial Appointment No. 9041, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Deborah Young, Senate Gubernatorial Appointment No. 9041, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senators Ericksen and Schoesler

Excused: Senators Bailey, Carlyle, Conway, Hobbs, McCoy, Mullet and Sheldon

Deborah Young, Senate Gubernatorial Appointment No. 9041, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

Senator Takko moved that George Raiter, Senate Gubernatorial Appointment No. 9173, be confirmed as a member of the Lower Columbia College Board of Trustees.

Senator Takko spoke in favor of the motion.

##### APPOINTMENT OF GEORGE RAITER

The President declared the question before the Senate to be the confirmation of George Raiter, Senate Gubernatorial Appointment No. 9173, as a member of the Lower Columbia College Board of Trustees.

The Secretary called the roll on the confirmation of George Raiter, Senate Gubernatorial Appointment No. 9173, as a member of the Lower Columbia College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey, Carlyle, Conway, Hobbs, McCoy, Mullet and Sheldon

George Raiter, Senate Gubernatorial Appointment No. 9173, having received the constitutional majority was declared confirmed as a member of the Lower Columbia College Board of Trustees.

##### MOTION

On motion of Senator Lias, the Senate reverted to the sixth

order of business.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1012, by House Committee on Transportation (originally sponsored by Bergquist, Barkis, Jinkins, Steele, Riccelli, Fey, Valdez, Fitzgibbon, Appleton, Robinson, Pollet and Stanford)

Concerning the use of child passenger restraint systems.

The measure was read the second time.

### MOTION

Senator Fortunato moved that the following striking amendment no. 627 by Senator Fortunato be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.687 and 2007 c 510 s 4 are each amended to read as follows:

(1) Whenever a child who is less than sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, or is being transported in a neighborhood electric vehicle or medium-speed electric vehicle that is in operation, a child must be restrained in a child restraint system. It is recommended that the driver of the vehicle (~~shall~~) keep the child properly restrained as follows:

(a) (~~A child must be restrained in a child restraint system, if the passenger seating position equipped with a safety belt system allows sufficient space for installation, until the child is eight years old, unless the child is four feet nine inches or taller. The child restraint system must comply with standards of the United States department of transportation and must be secured in the vehicle in accordance with instructions of the vehicle manufacturer and the child restraint system manufacturer.~~

(b) ~~A child who is eight years of age or older or four feet nine inches or taller shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting child restraint system.~~

(e)) A child under the age of two years should be properly secured in a child restraint system that is rear-facing until the child reaches the weight or height limit of the child restraint system as set by the manufacturer. A child may continue to be properly secured in a child restraint system that is rear-facing until the child reaches the weight or height limit of the child restraint system as set by the manufacturer, as recommended by the American academy of pediatrics.

(b) A child who is not properly secured in a rear-facing child restraint system in accordance with (a) of this subsection and who is under the age of four years should be properly secured in a child restraint system that is forward-facing and has a harness until the child reaches the weight or height limit of the child restraint system as set by the manufacturer. A child may continue to be properly secured in a child restraint system that is forward-facing and has a harness until the child reaches the weight or height limit of the child restraint system as set by the manufacturer, as recommended by the American academy of pediatrics.

(c) A child who is not properly secured in a child restraint system in accordance with (a) or (b) of this subsection and who is under four feet nine inches tall should be properly secured in a child booster seat. A child may continue to be properly secured in a child booster seat until the vehicle lap and shoulder seat belts fit

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properly, typically when the child is between the ages of eight and twelve years of age, as recommended by the American academy of pediatrics, or should be properly secured with the motor vehicle's safety belt properly adjusted and fastened around the child's body.

(d) The child restraint system used must comply with standards of the United States department of transportation and must be secured in the vehicle in accordance with instructions of the vehicle manufacturer and the child restraint system manufacturer.

(e) The child booster seat used must comply with standards of the United States department of transportation and must be secured in the vehicle in accordance with instructions of the vehicle manufacturer and the child booster seat manufacturer to position a child to sit properly in a federally approved safety seat belt system.

(f) The driver of a vehicle transporting a child who is under thirteen years old shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) Enforcement of subsection (1) of this section is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a child restraint system must ensure that the child restraint system is being used in accordance with the instruction of the vehicle and the child restraint system manufacturers. ~~(The driver of a vehicle transporting a child who is under thirteen years old shall transport the child in the back seat positions in the vehicle where it is practical to do so.)~~

(3) A person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child ((passenger)) restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(4) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian. Failure to use a child restraint system shall not be admissible as evidence of negligence in any civil action.

(5) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(6) As used in this section(=):

(a) "Child booster seat" is a type of child restraint system; a backless child restraint system or a belt positioning system is a child booster seat provided it meets the federal motor vehicle safety standards set forth in 49 C.F.R. Sec. 571.213.

(b) "Child restraint system" means a child passenger restraint system that meets the federal motor vehicle safety standards set forth in 49 C.F.R. Sec. 571.213.

(7) The requirements of subsection (1)(c) of this section do not apply in any seating position where there is only a lap belt available ~~((and the child weighs more than forty pounds)).~~

(8)(a) Except as provided in (b) of this subsection, a person who has a current national certification as a child passenger safety technician and who in good faith provides inspection, adjustment, or educational services regarding child ((passenger)) restraint systems is not liable for civil damages resulting from any act or omission in providing the services, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(b) The immunity provided in this subsection does not apply to

a certified child passenger safety technician who is employed by a retailer of child ((passenger)) restraint systems and who, during his or her hours of employment and while being compensated, provides inspection, adjustment, or educational services regarding child ((passenger)) restraint systems.

NEW SECTION. Sec. 2. A new section is added to chapter 43.59 RCW to read as follows:

(1) The Washington traffic safety commission shall produce and disseminate informational and educational materials explaining the proper use of child restraint systems in motor vehicles, the safety risks of not properly using child restraint systems in motor vehicles, where assistance on the proper installation and use of child restraint systems in motor vehicles can be obtained, and the legal penalties for not properly using child restraint systems in motor vehicles.

(2) As used in this section, "child restraint system" has the same meaning as defined in RCW 46.61.687(6).

NEW SECTION. Sec. 3. This act takes effect January 1, 2020."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 46.61.687; adding a new section to chapter 43.59 RCW; and providing an effective date."

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

Senators Saldaña and King spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 627 by Senator Fortunato to Substitute House Bill No. 1012.

The motion by Senator Fortunato did not carry and striking amendment no. 627 was not adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Substitute House Bill No. 1012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1012.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1012 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 12; Absent, 0; Excused, 6.

Voting yea: Senators Billig, Carlyle, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Holy, Honeyford, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators Bailey, Conway, Hobbs, McCoy, Mullet and Sheldon

SUBSTITUTE HOUSE BILL NO. 1012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of

the act.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1116, by House Committee on Transportation (originally sponsored by Lovick and Ryu)

Addressing motorcycle safety.

The measure was read the second time.

### MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1116 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1116.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1116 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 5; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Brown, Holy, Wagoner, Warnick and Wilson, L.

Excused: Senators Bailey, Conway, Hobbs, McCoy, Mullet and Sheldon

SUBSTITUTE HOUSE BILL NO. 1116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

HOUSE BILL NO. 1014, by Representatives Jenkin, Kirby, Harris, Bergquist, Stanford, Sells, Barkis, Eslick and Rude

Concerning financial responsibility of motorcycle operators.

The measure was read the second time.

### MOTION

On motion of Senator Liias, the rules were suspended, House Bill No. 1014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1014.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1014 and the bill passed the Senate by the following vote:

Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Short

Excused: Senators Bailey, Conway, Hobbs, McCoy, Mullet and Sheldon

HOUSE BILL NO. 1014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1772, by House Committee on Transportation (originally sponsored by Macri, Chambers, Fitzgibbon, Irwin and Shewmake)

Concerning motorized foot scooters.

The measure was read the second time.

### MOTION

Senator Saldaña moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.04.336 and 2009 c 275 s 3 are each amended to read as follows:

"Motorized foot scooter" means a device with ~~((no more than))~~ two ~~((ten-inch or smaller diameter))~~ or three wheels that has handlebars, ~~((is designed to))~~ a floorboard that can be stood upon ~~((by the operator))~~ while riding, and is powered by an internal combustion engine or electric motor that ~~((is capable of propelling the device with or without human propulsion at a speed no more))~~ has a maximum speed of no greater than twenty miles per hour on level ground.

For purposes of this section, a motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

Sec. 2. RCW 46.04.670 and 2011 c 171 s 19 are each amended to read as follows:

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. "Vehicle" does not include power wheelchairs or devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. Mopeds are not considered vehicles or motor vehicles for the purposes of chapter 46.70 RCW. Bicycles and motorized foot scooters are not considered vehicles for the purposes of chapter 46.12, 46.16A, or 46.70 RCW or RCW 82.12.045. Electric personal assistive mobility devices and motorized foot scooters are not considered vehicles or motor vehicles for the purposes of chapter 46.12, 46.16A, 46.29, 46.37, or 46.70 RCW. A golf cart is not considered a vehicle, except for the purposes of chapter 46.61 RCW.

Sec. 3. RCW 46.61.710 and 2018 c 60 s 5 are each amended

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to read as follows:

(1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with RCW 46.16A.405(2).

(2) Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

(3) Operation of a moped, electric personal assistive mobility device, or motorized foot scooter on a fully controlled limited access highway is unlawful. Operation of a moped on a sidewalk is unlawful. Operation of a motorized foot scooter or class 3 electric-assisted bicycle on a sidewalk is unlawful, unless there is no alternative for a motorized foot scooter or a class 3 electric-assisted bicycle to travel over a sidewalk as part of a bicycle or pedestrian path, or if authorized by local ordinance, as provided in section 5 of this act.

(4) Removal of any muffling device or pollution control device from a moped is unlawful.

(5) Subsections (1), (2), and (4) of this section do not apply to electric-assisted bicycles.

(6) Electric-assisted bicycles and motorized foot scooters may have access to highways of the state and may be parked to the same extent as bicycles, subject to RCW 46.61.160.

(7) Subject to subsection (10) of this section, class 1 and class 2 electric-assisted bicycles and motorized foot scooters may be operated on a shared-use path or any part of a highway designated for the use of bicycles, but local jurisdictions or state agencies may restrict or otherwise limit the access of electric-assisted bicycles and motorized foot scooters, and local jurisdictions or state agencies may regulate the use of class 1 and class 2 electric-assisted bicycles and motorized foot scooters on facilities ~~((and))~~, properties, and rights-of-way under their jurisdiction and control. Local regulation of the operation of class 1 or class 2 electric-assisted bicycles, upon a shared use path designated for the use of bicycles that crosses jurisdictional boundaries of two or more local jurisdictions, must be consistent for the entire shared use path in order for the local regulation to be enforceable; however, this does not apply to local regulations of a shared use path in effect as of January 1, 2018.

(8) Class 3 electric-assisted bicycles may be operated on facilities that are within or adjacent to a highway. Class 3 electric-assisted bicycles may not be operated on a shared-use path, except where local jurisdictions may allow the use of class 3 electric-assisted bicycles. State agencies or local jurisdictions may regulate the use of class 3 electric-assisted bicycles on facilities and properties under their jurisdiction and control. Local regulation of the operation of class 3 electric-assisted bicycles, upon a shared use path designated for the use of bicycles that crosses jurisdictional boundaries of two or more local jurisdictions, must be consistent for the entire shared use path in order for the local regulation to be enforceable; however, this does not apply to local regulations of a shared use path in effect as of January 1, 2018.

(9) Except as otherwise provided in this section, an individual shall not operate an electric-assisted bicycle or motorized foot scooter on a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A local authority or agency of this state having jurisdiction over a trail described in this subsection may allow the operation of an electric-assisted bicycle or motorized foot scooter on that trail.

(10) Subsections (1) and (4) of this section do not apply to motorized foot scooters. Subsection (2) of this section applies to motorized foot scooters when the bicycle path, trail, bikeway,

equestrian trail, or hiking or recreational trail was built or is maintained with federal highway transportation funds. Additionally, any new trail or bicycle path or readily identifiable existing trail or bicycle path not built or maintained with federal highway transportation funds may be used by persons operating motorized foot scooters only when ~~((appropriately))~~ signed to allow motorized foot scooter use.

(11) A person operating an electric personal assistive mobility device (EPAMD) shall obey all speed limits and shall yield the right-of-way to pedestrians and human-powered devices at all times. An operator must also give an audible signal before overtaking and passing a pedestrian. Except for the limitations of this subsection, persons operating an EPAMD have all the rights and duties of a pedestrian.

(12) The use of an EPAMD may be regulated in the following circumstances:

(a) A municipality and the department of transportation may prohibit the operation of an EPAMD on public highways within their respective jurisdictions where the speed limit is greater than twenty-five miles per hour;

(b) A municipality may restrict the speed of an EPAMD in locations with congested pedestrian or nonmotorized traffic and where there is significant speed differential between pedestrians or nonmotorized traffic and EPAMD operators. The areas in this subsection must be designated by the city engineer or designee of the municipality. Municipalities shall not restrict the speed of an EPAMD in the entire community or in areas in which there is infrequent pedestrian traffic;

(c) A state agency or local government may regulate the operation of an EPAMD within the boundaries of any area used for recreation, open space, habitat, trails, or conservation purposes.

**Sec. 4.** RCW 46.20.500 and 2018 c 60 s 4 are each amended to read as follows:

(1) No person may drive either a two-wheeled or a three-wheeled motorcycle, or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles.

(2) However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

(3) No driver's license is required for operation of an electric-assisted bicycle. Persons under sixteen years of age may not operate a class 3 electric-assisted bicycle.

(4) No driver's license is required to operate an electric personal assistive mobility device or a power wheelchair.

(5) No driver's license is required to operate a motorized foot scooter. Motorized foot scooters may not be operated at any time from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the state patrol. Persons under sixteen years of age may not operate a motorized foot scooter unless provided otherwise by a local jurisdiction. A motorized foot scooter may be operated at a speed of up to fifteen miles per hour on a roadway or bicycle lane, and may be operated on a sidewalk or on pedestrian or bicycle trails if authorized by a local jurisdiction, which shall specify the maximum speed of such sidewalk operation.

(6) A person holding a valid driver's license may operate a motorcycle as defined under RCW 46.04.330(2) without a motorcycle endorsement.

(7) A person operating a motorcycle with a stabilizing conversion kit must have a valid driver's license specially endorsed by the director for a three-wheeled motorcycle to enable the holder to operate such a motorcycle.

**NEW SECTION. Sec. 5.** A new section is added to chapter 46.61 RCW to read as follows:

(1) A local authority may regulate the operation of motorized foot scooters and shared scooters within its jurisdiction which may include, but is not limited to, the following:

(a) Determining if shared scooters may be operated within the local authority's jurisdiction, and if allowed, where they may be operated;

(b) Requiring scooter share programs to pay reasonable fees and taxes;

(c) Requiring that shared scooters be staged in a manner compliant with the Americans with disabilities act, to ensure clear passage of pedestrian traffic on sidewalks; and

(d) Adopting and assessing penalties for moving or parking violations involving shared scooters to the person responsible for such violation.

(2) A contract offered by a scooter share program to a prospective scooter share contractor must make the following written disclosures to a prospective scooter share contractor:

WHILE YOU ARE LOCATING AND RETURNING SCOOTERS, PROVIDING TRANSPORT, BATTERY CHARGE, OR REPAIR SERVICES, YOU MAY BE ENGAGED IN COMMERCIAL ACTIVITY. YOUR PRIVATE PASSENGER AUTOMOBILE, HOMEOWNERS, CONDOMINIUM, OR RENTERS INSURANCE POLICIES MIGHT NOT PROVIDE COVERAGE FOR YOU, DEPENDING ON THE TERMS OF YOUR POLICY.

(3) For the purposes of this section:

(a) "Scooter share program" means a person offering shared scooters for hire. All scooter share programs must carry the following insurance coverage:

(i) Commercial general liability insurance coverage with a limit of at least one million dollars for each occurrence and five million dollars aggregate;

(ii) Automobile liability insurance coverage with a combined single limit of at least one million dollars; and

(iii) If a local authority authorizes operation of a motorized foot scooter by persons under sixteen years of age, the local authority may require all scooter share programs offering shared scooters for hire to such persons under sixteen years of age to carry insurance coverage at greater amounts negotiated between the programs and the local authority.

(b) "Scooter share contractor" means a person other than an employee of a scooter share program retained under an independent contract to provide scooter location or transport and/or scooter battery charging or repair services to a scooter share program.

(c) "Shared scooter" means any motorized foot scooter offered for hire. All shared scooters must bear a single unique alphanumeric identification visible from a distance of five feet, which shall not be obfuscated by branding or other markings, which shall be used throughout the state, including by local authorities, to identify the shared scooter."

On page 1, line 1 of the title, after "scooters;" strike the remainder of the title and insert "amending RCW 46.04.336, 46.04.670, 46.61.710, and 46.20.500; and adding a new section to chapter 46.61 RCW."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 1772.

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

MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Substitute House Bill No. 1772 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, King and Hasegawa spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senator Wilson, L. was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1772 as amended by the Senate.

Senator Van De Wege assumed the chair.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1772 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 7; Absent, 0; Excused, 7.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Ericksen, Holy, Honeyford, Schoesler, Short and Wagoner

Excused: Senators Bailey, Conway, Hobbs, McCoy, Mullet, Sheldon and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1772, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, Senator Keiser was excused.

SECOND READING

HOUSE BILL NO. 1366, by Representatives Sullivan, Jenkin, Ryu, Entenman, Doglio, Pollet and Santos

Removing disincentives to the creation of community facilities districts.

The measure was read the second time.

MOTION

Senator Takko moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.145.110 and 2010 c 7 s 502 are each amended to read as follows:

(1) The board of supervisors of a community facilities district may impose special assessments on property located inside the



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district and benefited by the facilities and improvements provided, or to be provided, by a district, whether the facilities and improvements are located inside or outside of the boundaries of the proposed district. The requirements and powers of a district relating to the formation, assessment, collection, foreclosure, and other powers of a special assessment district are as set forth in chapters 35.43, 35.44, 35.49, and 35.50 RCW, except where otherwise addressed under this chapter. In any case where the provisions of this chapter conflict with the requirements under any other chapter that applies to the formation, assessment, collection, foreclosure, or other powers of a special assessment district, the provisions of this chapter control.

(2) Except as otherwise expressly provided under this chapter, the special assessments imposed and collected on property within a district may not exceed the amount set forth in a petition or amended petition approved in accordance with this chapter.

(3) The term of the special assessment is limited to the lesser of (a) ~~((twenty-eight))~~ thirty-five years or (b) ~~((two years less than))~~ the full term of any bonds issued by or on behalf of the district to which the assessments or other revenue of the district is specifically dedicated, pledged, or obligated.

(4) The computation of special assessments must follow the requirements of chapter 35.44 RCW, including the authority to use any method or combination of methods to compute assessments which may be deemed by the board of supervisors to fairly reflect the benefit to the properties being assessed. The method of assessment may utilize the supplemental authority granted under chapter 35.51 RCW. A petition meeting the requirements of RCW 36.145.020 may provide for the reduction or waiver of special assessments for low-income households as that term is defined in RCW 36.130.010.

(5) The board must set a date, time, and place for hearing any objections to the assessment roll, which hearing must occur no later than one hundred twenty days from final approval of formation of the district. Petitioners or representatives thereof serving on the board of supervisors must not participate in the determination of the special assessment roll or vote on the confirmation of that assessment roll. The restriction in this subsection does not apply to members of the board of supervisors appointed from among the qualified professionals that petitioners may nominate under RCW 36.145.020(1)(h).

(6) The procedures and requirements for assessments, hearings on the assessment roll, filing of objections to the assessment roll, and appeals from the decision of the board approving or rejecting the assessment roll, must be as set forth in RCW 35.44.010 through 35.44.020, 35.44.080 through 35.44.110, and 35.44.190 through 35.44.270.

(7) At the hearing on the assessment roll, and ~~((and))~~ in no event later than thirty days after the day of the hearing, the board may adopt a resolution approving the assessment roll or may correct, revise, raise, lower, change, or modify the assessment roll or any part thereof, and provide the petitioner with a detailed explanation of the changes made by the board.

(8) If the assessment roll is revised by the board in any way, then, within thirty days of the board's decision, the petitioner(s) must unanimously make one of the following elections: (a) Rescind the petition; or (b) accept the changes made by the board, upon which occurrence the board must adopt a resolution approving the assessment roll as modified by the board.

(9) Reassessments, assessments on omitted property, and supplemental assessments are governed by the provisions set forth under chapter 35.44 RCW.

(10) Any assessment approved under the provisions of this chapter may be segregated upon a petition of one hundred percent of the owners of the property subject to the assessment to be

segregated. The segregation must be made as nearly as possible on the same basis as the original assessment was levied and approved by the board. The board, in approving a petition for segregation and amendment of the assessment roll, must do so in a fashion such that the total of the segregated parts of the assessment equal the assessment before segregation. As to any property originally entered upon the roll the assessment upon which has not been raised, no objections to the approval of the petition for segregation, the resulting assessment, or the amended assessment roll may be considered by the jurisdiction in which the district is located, the board, or by any court on appeal. Assessments must be collected in districts pursuant to the district's previous assessment roll until the amendment to the assessment roll is finalized under this section.

(11) Except as provided under chapter 35.44 RCW, assessments may not be increased without the approval of one hundred percent of the property owners subject to the proposed increase.

(12) Special assessments must be collected by the district treasurer determined in accordance with RCW 36.145.140.

(13) A notice of any special assessment imposed under this chapter must be provided to the owner of the assessed property, not less than once per year, with the following appearing at the top of the page in at least fourteen point, bold font:

**\*\*\*\*NOTICE\*\*\*\***

**THIS PROPERTY IS SUBJECT TO THE ASSESSMENTS ITEMIZED BELOW AND APPROVED BY COMMUNITY FACILITIES DISTRICT #..... AS THE OWNER OR POTENTIAL BUYER OF THIS PROPERTY, YOU ARE, OR WOULD BE, RESPONSIBLE FOR PAYMENT OF THE AMOUNTS ITEMIZED BELOW.**

**PLEASE REFER TO RCW 36.145.110 OR CONTACT YOUR COUNTY AUDITOR FOR ADDITIONAL INFORMATION.**

(14) The district treasurer responsible for collecting special assessments may account for the costs of handling the assessments and may collect a fee not to exceed the measurable costs incurred by the treasurer.

NEW SECTION. Sec. 2. A new section is added to chapter 43.21C RCW to read as follows:

The formation of a community facilities district under chapter 36.145 RCW is exempted from compliance with this chapter, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not otherwise exempt under state law or rule."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 36.145.110; and adding a new section to chapter 43.21C RCW."

The Acting President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government to House Bill No. 1366.

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

MOTION

On motion of Senator Takko, the rules were suspended, House Bill No. 1366 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The Acting President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1366 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1366 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 5; Absent, 0; Excused, 8.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Holy, Honeyford, Hunt, King, Kuderer, Liias, Lovelett, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Braun, Ericksen, Hasegawa, Padden and Schoesler

Excused: Senators Bailey, Conway, Hobbs, Keiser, McCoy, Mullet, Sheldon and Wilson, L.

HOUSE BILL NO. 1366, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2044, by House Committee on Local Government (originally sponsored by Senn, Peterson, Pollet, Callan and Thai)

Concerning the deannexation of a portion of land from a park and recreation district or metropolitan park district.

The measure was read the second time.

#### MOTION

On motion of Senator Takko, the rules were suspended, Substitute House Bill No. 2044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The Acting President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2044.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2044 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 2; Absent, 0; Excused, 8.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Holy, Hunt, King, Kuderer, Liias, Lovelett, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Hasegawa and Honeyford

Excused: Senators Bailey, Conway, Hobbs, Keiser, McCoy, Mullet, Sheldon and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 2044, having received the

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1746, by House Committee on Local Government (originally sponsored by Fey, Gildon, Kilduff, Leavitt, Chambers, Reeves, Jinkins, Robinson and Barkis)

Incentivizing the development of commercial office space in cities in a county with a population of less than one million five hundred thousand.

The measure was read the second time.

#### MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Financial Institutions, Economic Development & Trade be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the cost of developing high-quality, commercial office space is prohibitive in cities located outside of a major metropolitan area. The legislature finds these cities plan to locate commercial office space within those urban centers. The legislature also finds that solely planning for commercial office space within urban centers is inadequate and an incentive should be created to stimulate commercial office space development in urban centers outside major metropolitan areas. The legislature intends to provide these cities with local options to incentivize the development of commercial office space in urban centers with access to transit, transportation systems, and other amenities.

**NEW SECTION. Sec. 2.** A governing authority of a city may designate a commercial office space development area. Within the area, the city may:

(1) Adopt a local sales and use tax remittance program to incentivize the development of commercial office space; and

(2) Establish a local property tax reinvestment program to make public improvements that incentivize the development of commercial office space.

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

(1) "Commercial office space" means a high quality building or buildings in the local market, as determined by a city's governing authority. High quality must be reflected in the finishes, construction, and infrastructure of the project building. The building or buildings must be at least fifty thousand square feet, and at least three stories. The building must be centrally located in a city, provide close access to available public transportation and freeways, be managed professionally, and offer amenities and advanced technology options to tenants.

(2) "Commercial office space development area" means an area that has been designated by the city legislative authority as a commercial office space development area. Each area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the commercial office space development area. The commercial office space development area or areas within a city cannot contain more than

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twenty-five percent of the total assessed value of the taxable real property within the boundaries of the city at the time the area is established.

(3) "County" means a county with a population of less than one million five hundred thousand.

(4) "Family living wage job" means a job with a wage that is sufficient for raising a family. A family living wage job must have an average wage of eighteen dollars an hour or more, working two thousand eighty hours per year, as adjusted annually by the consumer price index. The family living wage may be increased by the local authority based on regional factors and wage conditions.

(5) "Operationally complete" means that a certificate of occupancy has been issued for the building.

(6) "Public improvement" means infrastructure improvements to be owned by a public entity within the commercial office space development area that include:

- (a) Street, road, bridge, and rail construction and maintenance;
- (b) Water and sewer system construction and improvements;
- (c) Sidewalks, streetlights, landscaping, and streetscaping;
- (d) Parking, terminal, and dock facilities;
- (e) Park and ride facilities of a transit authority;
- (f) Park facilities, recreational areas, and environmental remediation;
- (g) Stormwater and drainage management systems;
- (h) Seismic improvements to buildings eligible for or eligible for listing in the Washington state register of historic places (RCW 27.34.220) or the national register of historic places as defined in the national historic preservation act of 1966 (Title 1, Sec. 101, P.L. 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended;

- (i) Electric, gas, fiber, and other utility infrastructures; and
- (j) Expenditures for any of the following purposes:
  - (i) Providing environmental analysis, professional management, planning, and promotion within the commercial office space development area; and
  - (ii) Providing maintenance and security for common or public areas in the commercial office space development area.

(7) "Public improvement costs" means the costs of:

- (a) Design; planning; acquisition, including land acquisition; site preparation, including land clearing; construction; reconstruction; rehabilitation; improvements; and installation of public improvements;
- (b) Demolishing, relocating, maintaining, and operating property pending construction of public improvements;
- (c) Relocating utilities as a result of public improvements;
- (d) Financing public improvements, including interest during construction; legal, and other professional services; taxes; insurance; principal and interest costs on general indebtedness issued to finance public improvements; and any necessary reserves for general indebtedness; and

(e) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and use of funds deposited into the commercial office development public improvement fund.

(8) "Qualifying project" means new construction or rehabilitation of a building or group of buildings intended for use as commercial office space. A "qualifying project" may include mixed-use buildings, not solely intended to be used as office space, but does not include any portion of a project intended for residential use or noncommercial use. A "qualifying project" may include new construction, or rehabilitation of an existing building, which included an area intended to be used for childcare facilities

at or near the commercial office space. "Qualifying project" does not include the land associated with the new construction or rehabilitation.

(9) "Rehabilitation" and "rehabilitation improvements" means modifications to an existing building or buildings made to achieve substantial improvements such that the building or buildings can be categorized as commercial office space.

(10) "Rehabilitation improvements" means modifications to an existing building or buildings made to achieve substantial improvements such that the building or buildings can be categorized as commercial office space.

(11) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

- (a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, and governmental agencies;
- (b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and
- (c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office use, or both commercial and office use.

**NEW SECTION. Sec. 4.** (1) In order for a city to approve a qualifying project to receive a sales and use tax remittance and participate in a local property tax reinvestment program, the city legislative authority must adopt an ordinance designating a commercial office space development area or areas. In the ordinance, the city legislative authority must:

- (a) Outline the boundaries of the commercial office space development area or areas, consistent with the definitions of this chapter;
- (b) Find that the area is wholly within an urban center;
- (c) Find that the area lacks sufficient available, desirable, high-quality, and convenient commercial office space to provide family living wage jobs in the urban center;
- (d) Outline standards and guidelines consistent with section 5 of this act to accept and approve applications for qualifying projects to be considered for a local sales and use tax remittance or a property tax reinvestment program; and
- (e) Establish a commercial office development public improvement fund in which to deposit property tax reinvestment revenues.

(2) The city legislative authority must hold a public hearing on the ordinance establishing the commercial office space development area or areas. The city legislative authority must give notice of a hearing held under this section by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than thirty days before the date of the hearing in a paper having a general circulation in the city where the proposed commercial office space development area or areas would be located. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated as a commercial office space development area.

**NEW SECTION. Sec. 5.** (1) In order to approve the sales and use tax remittance and property tax reinvestment for a qualifying project under section 4 of this act, an owner of a qualifying project must, in coordination with the city, submit an application to the city consistent with the standards and guidelines provided in section 4 of this act. Additionally, the application must include:

- (a) Whether the qualifying project is located within a commercial office space development area, in accordance with an adopted ordinance under section 4 of this act;
- (b) Whether the qualifying project meets the definition of a

qualifying project;

(c) The number of family living wage jobs estimated to be generated by the qualifying project;

(d) A description of the qualifying project, including a physical description of proposed building or buildings including estimated square footage, number of floors, and a list of features and amenities;

(e) The cost of construction or rehabilitation, and length of time that the qualifying project will be under construction;

(f) Whether the qualifying project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved; and

(g) A statement that the qualifying project is not anticipated to be used for the purpose of relocating a business from outside of the commercial office space development area, but within the state, to within the commercial office space development area. This does not exclude the incentives authorized under this chapter and section 11 of this act from being used for the expansion of a business, including the development of additional offices or satellite facilities.

(2) If the project applicant is seeking a sales and use tax remittance, the application must also include:

(a) A written agreement for the use of the local sales and use tax remittance from any taxing authority that imposes a sales or use tax under chapter 82.14 RCW or RCW 81.104.170. The agreement must be authorized by the governing body of such participating taxing authorities. If a taxing authority does not provide a written agreement, the sales and use tax for that taxing authority may not be remitted and the revenue may not be estimated in the application;

(b) An estimate of the amount of local sales and use tax revenue that will be remitted to a taxpayer;

(c) The approximate date that the local sales and use tax revenue will be remitted to a taxpayer; and

(d) The criteria under this section by which a qualifying project can later receive certification under section 11(4) of this act confirming that a taxpayer is eligible for the remittance.

(3) If the city intends to approve the qualifying project for a property tax reinvestment, the application must also include:

(a) A written agreement of the participation of any taxing authority that collects a local property tax allocation. The agreement must be authorized by the governing body of such participating local taxing authorities. If a taxing authority does not provide written agreement, the local property tax for that taxing authority may not be remitted to the city legislative authority that established a commercial office development public improvement fund;

(b) An estimated amount of property tax to be deposited into a commercial office development public improvement fund resulting from the qualifying project; and

(c) A prioritized list of public improvements that support the development of the qualifying project, and the estimated public improvement costs.

**NEW SECTION. Sec. 6.** (1) The duly authorized administrative official or committee of the city may approve the application if it finds that:

(a) The proposed qualifying project meets the criteria as defined by the city in section 4 of this act;

(b) The proposed qualifying project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;

(c) The owner has complied with all standards and guidelines adopted by the city in section 4 of this act; and

(d) The site is located in a commercial office space development area that has been designated by the city legislative

authority in accordance with the procedures and guidelines indicated in section 4 of this act.

(2) If the application is approved, the city must issue the owner of the property a conditional certificate of acceptance of the project for the sales and use tax remittance and participation in a property tax reinvestment program.

(3) If the application is denied by the authorized administrative official or committee authorized by the city legislative authority, the deciding administrative official or committee must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ten days of the denial.

(4) Upon denial by a duly authorized administrative official or committee, an applicant may appeal the denial to the city legislative authority within thirty days after receipt of the denial. The appeal before the governing authority must be based upon the record made before the administrative official or committee with the burden of proof on the applicant to show that there was no substantial evidence to support the administrative official's or committee's decision. The decision of the city legislative authority in denying or approving the application is final.

**NEW SECTION. Sec. 7.** (1) Once the city approves an application for a qualifying project to participate in a property tax reinvestment program, the city must deposit into a commercial office development public improvement fund, the equivalent of the city's share of the ad valorem property taxation on the value of new construction and rehabilitation improvements of real property for qualifying projects under this chapter for a period of ten successive years beginning January 1st of the calendar year immediately following the calendar year in which the application is initially approved.

(2) For a period of ten successive years beginning January 1st of the calendar year immediately following the calendar year in which the application is initially approved, taxing districts participating under this section that provide a written agreement under section 5 of this act must transfer to the city an amount equivalent to the portion of the taxing district's ad valorem property tax on the value of new construction and rehabilitation improvements of real property for qualifying projects for the city to deposit into a commercial office development public improvement fund.

**NEW SECTION. Sec. 8.** (1) The city may only make expenditures from the commercial office development public improvement fund that:

(a) Are to construct the public improvement that was identified in the approved application, requesting the property tax reinvestment submitted under section 5 of this act and approved under section 6 of this act;

(b) Transfer funding to the project applicant to construct the public improvement and transfer ownership of the public improvement to a public agency; and

(c) Meet any additional criteria established in an ordinance adopted under section 4 of this act.

(2) The city and the project applicant must enter into a written agreement outlining the specifics of the public improvement, associated public improvement costs, responsible parties, and any other information required by the city.

**NEW SECTION. Sec. 9.** If a qualifying project participating in the property tax reinvestment program under this chapter changes ownership, the property continues to qualify for the reinvestment, if the new owner complies with all of the application requirements, procedures, terms, conditions, and reporting requirements under this chapter, and meets all of the criteria established by the city to which the application was submitted under this chapter.

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**NEW SECTION. Sec. 10.** (1) The joint legislative audit and review committee must study the effectiveness of the local sales and use tax remittance and the local property tax reinvestment programs authorized in this chapter, and submit a report as provided in subsection (3) of this section.

(2) The report must include, but is not limited to, an assessment of the local sales and use tax remittance and the property tax reinvestment programs authorized under this chapter and an evaluation of:

- (a) The availability of quality office space;
- (b) The effects on affordable housing;
- (c) The effects on transportation, traffic congestion, and greenhouse gas emissions; and
- (d) Job creation.

(3) By October 1, 2028, and in compliance with RCW 43.01.036, the joint legislative audit and review committee must submit to the appropriate committees of the legislature a final report with their findings and recommendations under this section.

(4) This section expires December 31, 2028.

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.14 RCW to read as follows:

(1) Subject to the requirements of chapter 35,--- RCW (the new chapter created in section 12 of this act) and RCW 81.104.170, a project is eligible for a sales and use tax remittance under the authority of this chapter on:

(a) The sale of or charge made for labor and services rendered in respect to construction or rehabilitation of a qualifying project located in a city; and

(b) The sales or use of tangible personal property that will be incorporated as an ingredient or component of a qualifying project located in a city during the course of the constructing or rehabilitating.

(2)(a) A qualifying project owner claiming a remittance under this section must pay all applicable state and local sales and use taxes imposed or authorized under RCW 82.08.020, 82.12.020, and this chapter on all purchases and uses qualifying for the remittance.

(b) The amount of the remittance is one hundred percent of the local sales and use taxes paid under an ordinance enacted under the authority of this chapter for purchases or uses qualifying under subsection (1) of this section, if the taxing authorities imposing taxes under the authority of this chapter have authorized the use of the remittance to the city legislative authority as provided under section 6 of this act.

(3) After the qualifying project has been operationally complete for eighteen months, but not more than thirty-six months, and after all local sales and use taxes for purchases and uses qualifying under subsection (1) of this section have been paid, a qualifying project owner who submits an application for a building permit for that qualifying project prior to July 1, 2027, may apply to the department for a remittance of local sales and use taxes.

(4) A qualifying project owner requesting a remittance under this section must obtain certification from the governing authority of a city verifying that the qualifying project has satisfied the criteria in section 6 of this act.

(5) A qualifying project owner must specify the amount of exempted tax claimed and the qualifying purchases or uses for which the exemption is claimed. The qualifying project owner must retain, in adequate detail, records to enable the department to determine whether the qualifying project owner is entitled to an exemption under this section, including invoices, proof of tax paid, and construction contracts.

(6) The department must determine eligibility under this

section based on information provided by the qualifying project owner, which is subject to audit verification by the department.

(7)(a) A person otherwise eligible for a remittance under this section that transfers the ownership of the qualifying project before the requirements in subsection (3) of this section are met may assign the right to the remittance under this section to the subsequent owner of the qualifying project.

(b) Persons applying for the remittance as an assignee must provide the department the following documentation in a form and manner as provided by the department:

(i) The agreement that transfers the right to the remittance to the assignee;

(ii) Proof of payment of sales and use tax on the qualifying project; and

(iii) Any other documentation the department requires.

(8) The definitions in section 3 of this act apply to this section.

**Sec. 12.** RCW 81.104.170 and 2015 3rd sp.s. c 44 s 320 are each amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

(2) The tax authorized pursuant to this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district.

(a) Except for the tax imposed under (b) of this subsection by regional transit authorities that include a county with a population of more than one million five hundred thousand, the maximum rate of such tax must be approved by the voters and may not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed may not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340.

(b) The maximum rate of such tax that may be imposed by a regional transit authority that includes a county with a population of more than one million five hundred thousand must be approved by the voters and may not exceed 1.4 percent. If a regional transit authority imposes the tax authorized under this subsection (2)(b) in excess of 0.9 percent, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess.

(3)(a) The exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of the sales and use tax and do not extend to the tax authorized in this section.

(b) The exemptions in RCW 82.08.962 and 82.12.962 are for the state and local sales and use taxes and include the tax authorized by this section.

(c) The exemptions in section 11 of this act are for the local sales and use taxes and include the tax authorized by this section.

**NEW SECTION. Sec. 13.** Sections 1 through 10 of this act constitute a new chapter in Title 35 RCW."

On page 1, line 3 of the title, after "thousand;" strike the remainder of the title and insert "amending RCW 81.104.170; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; and providing an expiration date."

Senator O'Ban spoke in favor of adoption of the committee striking amendment.

The Acting President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Economic Development & Trade to Substitute House Bill No. 1746.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute House Bill No. 1746 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The Acting President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1746 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1746 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 9; Absent, 0; Excused, 8.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Darneille, Das, Dhingra, Fortunato, Hawkins, Holy, Honeyford, Hunt, King, Liias, Lovelett, O'Ban, Padden, Palumbo, Rivers, Rolfes, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Carlyle, Ericksen, Frockt, Hasegawa, Kuderer, Nguyen, Pedersen, Randall and Saldaña

Excused: Senators Bailey, Conway, Hobbs, Keiser, McCoy, Mullet, Sheldon and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1746, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1713, by House Committee on Appropriations (originally sponsored by Mosbrucker, Gregerson, Caldier, Dye, Barkis, Corry, Sells, Lekanoff, Schmick, Orwall, Chandler, Hudgins, Ryu, Frame, Jinkins, Ortiz-Self, Peterson, Stanford, Van Werven, Tarleton, Valdez, Macri, Pollet and Leavitt)

Improving law enforcement response to missing and murdered Native American women.

The measure was read the second time.

#### MOTION

On motion of Senator Zeiger, the rules were suspended, Second Substitute House Bill No. 1713 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Acting President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1713.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1713 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, King, Kuderer, Liias, Lovelett, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Excused: Senators Bailey, Conway, Hobbs, Keiser, McCoy, Mullet, Sheldon and Wilson, L.

SECOND SUBSTITUTE HOUSE BILL NO. 1713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1554, by Representatives Thai, Harris, Robinson, Stonier, Appleton, Gregerson, Jinkins, Slatter and Macri

Concerning dental hygienists.

The measure was read the second time.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 1554 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Acting President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1554.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1554 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, King, Kuderer, Liias, Lovelett, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Excused: Senators Bailey, Conway, Hobbs, Keiser, McCoy, Mullet, Sheldon and Wilson, L.

HOUSE BILL NO. 1554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator Carlyle: “Mr. President, I would like to inquire whether the President believes that he has acted in full, complete, unequivocal, and unqualified accordance with Rule No. 225? ... The silence speaks volumes. [Laughter] I withdraw my inquiry.”

Acting President Pro Tempore Van De Wege: “I have, I have Senator Carlyle, thank you.”

EDITOR’S NOTE: Reed’s Parliamentary Rules, Ch. XIII, §225 Duty of the Presiding Officer in Cases Where Debate and Parliamentary Motions Are Employed to Create Disorder and Impede Business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1724, by House Committee on Local Government (originally sponsored by Santos)

Concerning the mitigation of public facilities in certain cities.

The measure was read the second time.

MOTION

Senator Takko moved that the following committee striking amendment by the Committee on Local Government be not adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

(1) A city with a population of more than five hundred fifty thousand that permits, constructs, or operates a public facility in a neighborhood with a high poverty level and a high rate of ethnic diversity must assume the responsibility for the negative impacts that facility has had or might have on the surrounding neighborhood. The city must consider the potential or actual disparate racial, social, and economic impacts of the public facility on residents nearby and develop a mitigation plan, which keeps the residents of the impacted neighborhood whole for the costs of the mitigation strategy. The city may negotiate with other political subdivisions who have a direct interest in having created the negative impacts, but the residents must be held harmless.

(2) For purposes of this section, neighborhood boundaries are defined by the boundaries of community reporting areas, as established in the most recent United States census.

(3) For purposes of this section:

(a) A neighborhood has a high poverty level if twelve percent or more of the population is below the poverty level according to the most recent American community survey’s five-year estimate.

(b) A neighborhood has a high rate of ethnic diversity if forty percent or more of the population identifies as persons of color according to the most recent American community survey’s five-year estimate."

On page 1, line 4 of the title, after "color;" strike the remainder of the title and insert "and adding a new section to chapter 35.21 RCW."

The Acting President Pro Tempore declared the question before the Senate to be the motion to not adopt the committee striking amendment by the Committee on Local Government to

Substitute House Bill No. 1724.

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

MOTION

Senator Hasegawa moved that the following amendment no. 613 by Senator Hasegawa be adopted:

On page 1, line 14, after "had" strike "or might have"

On page 1, line 15, after "on" insert "parking in"

On page 2, beginning on line 8, after "(a)" insert ""Public facility" means a project that was completed by December 31, 2014.

(b)"

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

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

The Acting President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 613 by Senator Hasegawa on page 1, line 14 to Substitute House Bill No. 1724.

The motion by Senator Hasegawa carried and amendment no. 613 was adopted by voice vote.

MOTION

On motion of Senator Takko, the rules were suspended, Substitute House Bill No. 1724 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko, Hasegawa and Short spoke in favor of passage of the bill.

The Acting President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1724 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1724 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, King, Kuderer, Liias, Lovelett, Nguyen, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Excused: Senators Bailey, Conway, Hobbs, Keiser, McCoy, Mullet, Sheldon and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1724, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Liias announced a meeting of the Committee on Rules at the bar of the senate immediately upon adjournment.

MOTION

At 9:05 p.m., on motion of Senator Lias, the Senate adjourned until 9:00 o'clock a.m. Saturday, April 13, 2019.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate



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