

FIFTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, March 4, 2020

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exception of Senator Becker.

The Sons of the American Revolution Color Guard consisting of Mr. Art Dolan; Mr. Michael Moore; Mr. Matthew Bendickson; and Mr. Michael Bendickson, presented the Colors. Page Miss Sophia Vernon led the Senate in the Pledge of Allegiance. The prayer was offered by Rabbi Yosef Schtroks of the Chabad Jewish Center, Olympia.

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 TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6697 by Senators O'Ban, Zeiger, Becker, Schoesler, and Wilson, L.

AN ACT Relating to increasing voter participation in the presidential primary; and amending RCW 29A.40.091, 29A.56.040, and 29A.56.050.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6698 by Senator Ericksen

AN ACT Relating to increasing transparency for renewable energy credit transactions; and adding a new chapter to Title 80 RCW.

Referred to Committee on Environment, Energy & Technology.

MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

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

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House has passed:

- ENGROSSED SENATE BILL NO. 5165,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5591,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6028,
- SUBSTITUTE SENATE BILL NO. 6029,
- SUBSTITUTE SENATE BILL NO. 6037,
- SENATE BILL NO. 6038,
- SUBSTITUTE SENATE BILL NO. 6048,
- SUBSTITUTE SENATE BILL NO. 6051,
- SUBSTITUTE SENATE BILL NO. 6052,
- SUBSTITUTE SENATE BILL NO. 6061,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6063,
- SENATE BILL NO. 6131,
- SENATE BILL NO. 6136,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6261,
- SENATE BILL NO. 6326,
- SENATE BILL NO. 6374,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6378,
- SUBSTITUTE SENATE BILL NO. 6409,
- SUBSTITUTE SENATE BILL NO. 6500,
- SUBSTITUTE SENATE BILL NO. 6526,
- SENATE BILL NO. 6551,
- SUBSTITUTE SENATE BILL NO. 6670,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

MOTION

Senator Frockt moved adoption of the following resolution:

**SENATE RESOLUTION
8705**

By Senators Frockt and Wagoner

WHEREAS, Justice Rosselle Pekelis, a champion for equality and civil rights, who dedicated her professional life to serving with impartiality and care as a judge on multiple courts of our state's judicial branch, passed away on December 9, 2019, surrounded by family; and

WHEREAS, Her childhood spent in hiding from Nazis taught her the dangers of prejudice and discrimination, lessons that

informed her adult life after she and her family escaped Europe and arrived safely in New York; and

WHEREAS, She decided to pursue law school at the University of Missouri after devoting a decade to raising her three children, overcoming societal resistance to the idea of a mother practicing law at the highest level; and

WHEREAS, She moved her family to Seattle to follow her dreams and began working for the law firm MacDonald Hoague & Bayless, and later Helsell, Fetterman, Martin, Todd & Hokanson; and

WHEREAS, She was appointed to the King County Superior Court by Governor Dixy Lee Ray in 1981, and was appointed to the Court of Appeals by Governor Booth Gardner in 1986, where she issued an opinion that women could not be excused from juries solely based on their gender, cementing her status as a trailblazer for women in law; and

WHEREAS, In 1995, she became just the fourth woman justice and the second Jewish member to serve on the state Supreme Court, where she was regarded with wide respect throughout the legal community for her intelligence and even application of the law in a wide variety of cases; and

WHEREAS, She pushed boundaries for the benefit of all women, showing that regardless of gender, age, or background, what matters is the competence you bring to the bench; and

WHEREAS, In her retirement from the Court, she and other former Washington state Superior Court Judges founded Judicial Dispute Resolution so they could continue to provide highly qualified mediation and arbitration services to Washington citizens; and

WHEREAS, Judicial Dispute Resolution is to this day a successful business, and has donated generously to charity since its inception, demonstrating the values of its founders; and

WHEREAS, She is survived by her husband, Frank Retman, six children, Melissa Standish, Alex Higgins, Jenny Zavatsky, Zach Pekelis Jones, Sonnet Retman, Mischa Retman, and ten grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the distinguished life and public service of Justice Rosselle Pekelis; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to members of Justice Pekelis' immediate family.

Senator Frockt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8705.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced family, friends and colleagues of Justice Pekelis who were seated in the gallery, including: Mr. Frank Retman, spouse of Justice Pekelis; her children, grandchildren, and in-laws; Mr. Michael Johnston, Supreme Court Commissioner; Mr. Walter Burton; Deputy Commissioner; Ms. Susan Carlson, Supreme Court Clerk; and Mr. Sam Thompson, the Court's Reporter of Decisions.

MOTION

On motion of Senator Liias, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor

resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Rivers moved adoption of the following resolution:

SENATE RESOLUTION 8707

By Senators Rivers, Wagoner, and Das

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissue; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and heal the lives of others through organ, eye, and tissue donation and transplantation; and

WHEREAS, There are nearly one hundred thirteen thousand courageous Americans awaiting a lifesaving organ transplant, with twenty individuals losing their lives every day because of the shortage of organs for transplant; and

WHEREAS, Every ten minutes, a person is added to the national organ transplant waiting list; and

WHEREAS, One organ donor can save the lives of up to eight people and heal many more through cornea and tissue donation; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, eye, and tissue donation, another person's life has been saved or healed; and

WHEREAS, Organ donation offers transplant recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, The families of organ, eye, and tissue donors receive gratitude from grateful recipients whose lives have been saved by transplantation; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others; and

WHEREAS, Donate Life America has designated April as National Donate Life Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor April as National Donate Life Month to remember those who have donated, and to celebrate the lives of the recipients.

Senators Rivers and Takko spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8707.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family of Mr. Gordon Anderson, organ donor, including Ms. Gena Anderson, his mother, who were seated in the gallery.

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

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MOTION

Senator Wilson, C. moved that Harium J. Martin-Morris, Senate Gubernatorial Appointment No. 9163, be confirmed as a member of the State Board of Education.

Senator Wilson, C. spoke in favor of the motion.

APPOINTMENT OF HARIUM J. MARTIN-MORRIS

The President declared the question before the Senate to be the confirmation of Harium J. Martin-Morris, Senate Gubernatorial Appointment No. 9163, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Harium J. Martin-Morris, Senate Gubernatorial Appointment No. 9163, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Becker

Harium J. Martin-Morris, Senate Gubernatorial Appointment No. 9163, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

MOTION

On motion of Senator Rivers, Senator Becker was excused.

MOTION

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

MOTION

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

SECOND READING

HOUSE BILL NO. 2602, by Representatives Morgan, Thai, Pettigrew, Entenman, Lovick, Slatter, Santos, Ryu, Duerr, Appleton, Bergquist, Stonier, Ramos, Leavitt, Corry, Orwall, Dolan, Frame, Valdez, Gregerson, Ortiz-Self, Peterson, Davis, Riccelli, Callan, J. Johnson, Fey, Ramel, Hudgins, Kilduff, Robinson, Irwin, Doglio, Ormsby, Pollet and Macri

Concerning hair discrimination.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 2602 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 declared the question before the Senate to be the final passage of House Bill No. 2602.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2602 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 1; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Fortunato, Holy, Honeyford, Padden, Sheldon, Short, Wagoner and Walsh

Absent: Senator Carlyle

Excused: Senator Becker

HOUSE BILL NO. 2602, 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, Senator Carlyle was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318, by House Committee on Public Safety (originally sponsored by Orwall, Lovick, Slatter, Morgan, Wylie, Mosbrucker and Pollet)

Advancing criminal investigatory practices.

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:

"Sec. 1. RCW 5.70.010 and 2015 c 221 s 1 are each amended to read as follows:

(1) In any felony case initially charged as a violent or sex offense, as defined in RCW 9.94A.030, a governmental entity shall preserve any DNA work product that has been secured in connection with the criminal case, including related investigatory reports and records, according to the following guidelines:

(a) Except as provided in (b) of this subsection, where a defendant has been charged and convicted in connection with the case, the DNA work product and investigatory reports and records must be maintained throughout the length of the sentence, including any period of community custody extending through final discharge;

(b) Where a defendant has been convicted and sentenced under RCW 9.94A.507 in connection with the case, the DNA work product and investigatory reports and records must be maintained for ninety-nine years or until the death of the defendant, whichever is sooner; and

(c) Where no conviction has been made in connection with the case, the DNA work product and investigatory reports and records must be maintained for ninety-nine years or throughout the period of the statute of limitations pursuant to RCW 9A.04.080, whichever is sooner.

(2) Notwithstanding subsection (1) of this section, in any felony case regardless of whether the identity of the offender is known and law enforcement has probable cause sufficient to believe the elements of a violent or sex offense as defined in RCW 9.94A.030 have been committed, a governmental entity shall preserve any DNA work product (~~(, including a sexual assault examination kit,)~~) secured in connection with the criminal case and investigatory reports and records for ninety-nine years or throughout the period of the statute of limitations pursuant to RCW 9A.04.080, whichever is sooner.

(3) ~~(For purposes of this section:~~

~~(a) "Amplified DNA" means DNA generated during scientific analysis using a polymerase chain reaction.~~

~~(b) "DNA work product" means (i) product generated during the process of scientific analysis of such material, except amplified DNA, material that had been subjected to DNA extraction, and DNA extracts from reference samples; or (ii) any material contained on a microscope slide, swab, in a sample tube, cutting, DNA extract, or some other similar retention method used to isolate potential biological evidence that has been collected by law enforcement as part of its investigation and prepared for scientific analysis, whether or not it is submitted for scientific analysis and derived from:~~

- ~~(A) The contents of a sexual assault examination kit;~~
- ~~(B) Blood;~~
- ~~(C) Semen;~~
- ~~(D) Hair;~~
- ~~(E) Saliva;~~
- ~~(F) Skin tissue;~~
- ~~(G) Fingerprints;~~
- ~~(H) Bones;~~
- ~~(I) Teeth; or~~
- ~~(J) Any other identifiable human biological material or physical evidence.~~

~~Notwithstanding the foregoing, "DNA work product" does not include a reference sample collected unless it has been shown through DNA comparison to associate the source of the sample with the criminal case for which it was collected.~~

~~(c) "Governmental entity" means any general law enforcement agency or any person or organization officially acting on behalf of the state or any political subdivision of the state involved in the collection, examination, tracking, packaging, storing, or disposition of biological material collected in connection with a criminal investigation relating to a felony offense.~~

~~(d) "Reference sample" means a known sample collected from an individual by a governmental entity for the purpose of comparison to DNA profiles developed in a criminal case.~~

(4) The failure of a law enforcement agency to preserve DNA work product does not constitute grounds in any criminal proceeding for challenging the admissibility of other DNA work product that was preserved in a case, and any evidence offered may not be excluded by a court on those grounds. The court may not set aside the conviction or sentence or order the reversal of a conviction under this section on the grounds that the DNA work product is no longer available. Unless the court finds that DNA work product was destroyed with malicious intent to violate this section, a person accused of committing a crime against a person has no cause of action against a law enforcement agency for failure to comply with the requirements of this section. If the court finds that DNA work product was destroyed with malicious intent to violate this section, the court may impose appropriate

sanctions. Nothing in this section may be construed to create a private right of action on the part of any individual or entity against any law enforcement agency or any contractor of a law enforcement agency.

NEW SECTION. Sec. 2. A new section is added to chapter 5.70 RCW to read as follows:

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

(1) "Amplified DNA" means DNA generated during scientific analysis using a polymerase chain reaction.

(2) "DNA work product" means (a) product generated during the process of scientific analysis of such material, except amplified DNA, material that had been subjected to DNA extraction, screening byproducts, and DNA extracts from reference samples; or (b) any material contained on a microscope slide, swab, in a sample tube, cutting, DNA extract, or some other similar retention method used to isolate potential biological evidence that has been collected by law enforcement or a forensic nurse as part of an investigation and prepared for scientific analysis, whether or not it is submitted for scientific analysis and derived from:

- (i) The contents of a sexual assault examination kit;
- (ii) Blood;
- (iii) Semen;
- (iv) Hair;
- (v) Saliva;
- (vi) Skin tissue;
- (vii) Fingerprints;
- (viii) Bones;
- (ix) Teeth; or
- (x) Any other identifiable human biological material or physical evidence.

Notwithstanding the foregoing, "DNA work product" does not include a reference sample collected unless it has been shown through DNA comparison to associate the source of the sample with the criminal case for which it was collected.

(3) "Governmental entity" means any general law enforcement agency or any person or organization officially acting on behalf of the state or any political subdivision of the state involved in the collection, examination, tracking, packaging, storing, or disposition of biological material collected in connection with a criminal investigation relating to a felony offense.

(4) "Reference sample" means a known sample collected from an individual by a governmental entity for the purpose of comparison to DNA profiles developed in a criminal case.

(5) "Screening byproduct" means a product or waste generated during examination of DNA evidence, or the screening process of such evidence, that is not intended for long-term storage.

(6) "Sexual assault kit" includes all evidence collected during a sexual assault medical forensic examination.

(7) "Unreported sexual assault kit" means a sexual assault kit where a law enforcement agency has not received a related report or complaint alleging a sexual assault or other crime has occurred.

NEW SECTION. Sec. 3. A new section is added to chapter 5.70 RCW to read as follows:

(1)(a) Any unreported sexual assault kit collected on or after the effective date of this section must be transported from the collecting entity to the applicable local law enforcement agency.

(b) By January 1, 2021, unreported sexual assault kits collected prior to the effective date of this section and stored according to the requirements of RCW 70.125.101 must be transported to the applicable local law enforcement agency.

(2)(a) The applicable local law enforcement agency is responsible for conducting the transport of the unreported sexual assault kit from the collecting entity to the agency as required under subsection (1) of this section.

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(b) The applicable law enforcement agency shall store and preserve the unreported sexual assault kit for twenty years from the date of collection.

(3) The term "applicable local law enforcement agency" refers to the local law enforcement agency that would have jurisdiction to investigate any related criminal allegations if they were to be reported to law enforcement. The applicable local law enforcement agency is determined through consultation between the collecting entity or, in the case of unreported sexual assault kits stored according to the requirements of RCW 70.125.101, the Washington state patrol, and local law enforcement agencies.

Sec. 4. RCW 70.125.090 and 2019 c 93 s 6 are each amended to read as follows:

(1) When a law enforcement agency receives a sexual assault kit, the law enforcement agency must, within thirty days of its receipt, submit a request for laboratory examination to the Washington state patrol crime laboratory for prioritization for testing by it or another accredited laboratory that holds an outsourcing agreement with the Washington state patrol if:

(a) The law enforcement agency has received a related report or complaint alleging a sexual assault or other crime has occurred; and

(b)(i) Consent for laboratory examination has been given by the victim; or

(ii) The victim is a person under the age of eighteen who is not emancipated pursuant to chapter 13.64 RCW.

(2) Beginning May 1, 2022, when the Washington state patrol receives a request for laboratory examination of a sexual assault kit from a law enforcement agency, the Washington state patrol shall conduct the laboratory examination of the sexual assault kit, and when appropriate, enter relevant information into the combined DNA index system, within forty-five days of receipt of the request. The Washington state patrol crime laboratory must give priority to the laboratory examination of sexual assault kits at the request of a local law enforcement agency for:

(a) Active investigations and cases with impending court dates;

(b) Active investigations where public safety is an immediate concern;

(c) Violent crimes investigations, including active sexual assault investigations;

(d) Postconviction cases; and

(e) Other crimes' investigations and nonactive investigations, such as previously unsubmitted older sexual assault kits or recently collected sexual assault kits that the submitting agency has determined to be lower priority based on their initial investigation.

(3) The requirements to request and complete laboratory examination of sexual assault kits under subsections (1) and (2) of this section do not include forensic toxicological analysis. However, nothing in this section limits or modifies the authority of a law enforcement agency to request toxicological analysis of evidence collected in a sexual assault kit.

(4) The failure of a law enforcement agency to submit a request for laboratory examination, or the failure of the Washington state patrol to facilitate laboratory examination, within the time periods prescribed under this section does not constitute grounds in any criminal proceeding for challenging the validity of a DNA evidence association, and any evidence obtained from the sexual assault kit may not be excluded by a court on those grounds.

~~((4))~~ (5) A person accused or convicted of committing a crime against a victim has no standing to object to any failure to comply with the requirements of this section, and the failure to comply with the requirements of this section is not grounds for setting aside the conviction or sentence.

~~((5))~~ (6) Nothing in this section may be construed to create a

private right of action or claim on the part of any individual, entity, or agency against any law enforcement agency or any contractor of any law enforcement agency.

~~((6))~~ (7) This section applies ~~((prospectively only and not retroactively. It only applies))~~ to sexual assault examinations performed on or after July 24, 2015.

~~((7))~~ (8)(a) Until June 30, 2023, the Washington state patrol shall compile the following information related to the sexual assault kits identified in this section and RCW 70.125.100 (as recodified by this act):

(i) The number of requests for laboratory examination made for sexual assault kits and the law enforcement agencies that submitted the requests; and

(ii) The progress made towards testing the sexual assault kits, including the status of requests for laboratory examination made by each law enforcement agency.

(b) The Washington state patrol shall make recommendations for increasing the progress on testing any untested sexual assault kits.

(c) Beginning in 2015, the Washington state patrol shall report its findings and recommendations annually to the appropriate committees of the legislature and the governor by December 1st of each year.

Sec. 5. RCW 70.125.100 and 2019 c 93 s 7 are each amended to read as follows:

(1) Law enforcement agencies shall submit requests for forensic analysis of all sexual assault kits collected prior to July 24, 2015, and in the possession of the agencies to the Washington state patrol crime laboratory by October 1, 2019, except submission for forensic analysis is not required when: (a) Forensic analysis has previously been conducted; (b) there is documentation of an adult victim or emancipated minor victim expressing that he or she does not want his or her sexual assault kit submitted for forensic analysis; or (c) a sexual assault kit is noninvestigatory and held by a law enforcement agency pursuant to an agreement with a hospital or other medical provider. The requirements of this subsection apply regardless of the statute of limitations or the status of any related investigation.

(2) The Washington state patrol crime laboratory may consult with local law enforcement agencies to coordinate the efficient submission of requests for forensic analysis under this section in conjunction with the implementation of the statewide tracking system under RCW 43.43.545, provided that all requests are submitted and all required information is entered into the statewide sexual assault tracking system by October 1, 2019. The Washington state patrol crime laboratory shall facilitate the forensic analysis of all sexual assault kits submitted under this section by December 1, 2021. The analysis may be conducted by the Washington state patrol laboratory or an accredited laboratory holding a contract or agreement with the Washington state patrol. The Washington state patrol shall process the forensic analysis of sexual assault kits in accordance with the priorities in RCW 70.125.090(2) (as recodified by this act).

(3) The requirements to request and complete laboratory examination of sexual assault kits under this section do not include forensic toxicological analysis. However, nothing in this section limits or modifies the authority of a law enforcement agency to request toxicological analysis of evidence collected in a sexual assault kit.

(4) The failure of a law enforcement agency to submit a request for laboratory examination within the time prescribed under this section does not constitute grounds in any criminal proceeding for challenging the validity of a DNA evidence association, and any evidence obtained from the sexual assault kit may not be excluded by a court on those grounds.

((4)) (5) A person accused or convicted of committing a crime against a victim has no standing to object to any failure to comply with the requirements of this section, and the failure to comply with the requirements of this section is not grounds for setting aside the conviction or sentence.

((5)) (6) Nothing in this section may be construed to create a private right of action or claim on the part of any individual, entity, or agency against any law enforcement agency or any contractor of any law enforcement agency.

Sec. 6. RCW 43.43.545 and 2019 c 93 s 4 are each amended to read as follows:

(1) The Washington state patrol shall create and operate a statewide sexual assault kit tracking system. The Washington state patrol may contract with state or nonstate entities including, but not limited to, private software and technology providers, for the creation, operation, and maintenance of the system.

(2) The statewide sexual assault kit tracking system must:

(a) Track the location and status of sexual assault kits throughout the criminal justice process, including the initial collection in examinations performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and storage and any destruction after completion of analysis;

(b) Designate sexual assault kits as unreported or reported;

(c) Indicate whether a sexual assault kit contains biological materials collected for the purpose of forensic toxicological analysis;

(d) Allow medical facilities performing sexual assault forensic examinations, law enforcement agencies, prosecutors, the Washington state patrol bureau of forensic laboratory services, and other entities having custody of sexual assault kits to update and track the status and location of sexual assault kits;

((4)) (e) Allow victims of sexual assault to anonymously track or receive updates regarding the status of their sexual assault kits; and

((e)) (f) Use electronic technology or technologies allowing continuous access.

(3) The Washington state patrol may use a phased implementation process in order to launch the system and facilitate entry and use of the system for required participants. The Washington state patrol may phase initial participation according to region, volume, or other appropriate classifications. All entities having custody of sexual assault kits shall fully participate in the system no later than June 1, 2018. The Washington state patrol shall submit a report on the current status and plan for launching the system, including the plan for phased implementation, to the joint legislative task force on sexual assault forensic examination best practices, the appropriate committees of the legislature, and the governor no later than January 1, 2017.

(4) The Washington state patrol shall submit a semiannual report on the statewide sexual assault kit tracking system to the joint legislative task force on sexual assault forensic examination best practices, the appropriate committees of the legislature, and the governor. The Washington state patrol may publish the current report on its web site. The first report is due July 31, 2018, and subsequent reports are due January 31st and July 31st of each year. The report must include the following:

(a) The total number of sexual assault kits in the system statewide and by jurisdiction;

(b) The total and semiannual number of sexual assault kits where forensic analysis has been completed statewide and by jurisdiction;

(c) The number of sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(d) The total and semiannual number of sexual assault kits

where forensic analysis has been requested but not completed statewide and by jurisdiction;

(e) The average and median length of time for sexual assault kits to be submitted for forensic analysis after being added to the system, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(f) The average and median length of time for forensic analysis to be completed on sexual assault kits after being submitted for analysis, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(g) The total and semiannual number of sexual assault kits destroyed or removed from the system statewide and by jurisdiction;

(h) The total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been completed and six months or more have passed since those sexual assault kits were added to the system; and

(i) The total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been completed and one year or more has passed since those sexual assault kits were added to the system.

(5) For the purpose of reports under subsection (4) of this section, a sexual assault kit must be assigned to the jurisdiction associated with the law enforcement agency anticipated to receive the sexual assault kit or otherwise having custody of the sexual assault kit.

(6) Any public agency or entity, including its officials and employees, and any hospital and its employees providing services to victims of sexual assault may not be held civilly liable for damages arising from any release of information or the failure to release information related to the statewide sexual assault kit tracking system, so long as the release was without gross negligence.

(7) The Washington state patrol shall adopt rules as necessary to implement this section.

(8) For the purposes of this section ~~((, an "unreported sexual assault kit" refers to a sexual assault kit collected from a victim who has consented to the collection of the sexual assault kit but who has not reported the alleged crime to law enforcement));~~

(a) "Reported sexual assault kit" means a sexual assault kit where a law enforcement agency has received a related report or complaint alleging a sexual assault or other crime has occurred;

(b) "Sexual assault kit" includes all evidence collected during a sexual assault medical forensic examination; and

(c) "Unreported sexual assault kit" means a sexual assault kit where a law enforcement agency has not received a related report or complaint alleging a sexual assault or other crime has occurred.

Sec. 7. RCW 43.43.754 and 2019 c 443 s 3 are each amended to read as follows:

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony, or any of the following crimes (or equivalent juvenile offenses):

(i) Assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041, 9.94A.030);

(ii) Assault in the fourth degree with sexual motivation (RCW 9A.36.041, 9.94A.835);

(iii) Communication with a minor for immoral purposes (RCW 9.68A.090);

(iv) Custodial sexual misconduct in the second degree (RCW 9A.44.170);

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- (v) Failure to register (chapter 9A.44 RCW);
 - (vi) Harassment (RCW 9A.46.020);
 - (vii) Patronizing a prostitute (RCW 9A.88.110);
 - (viii) Sexual misconduct with a minor in the second degree (RCW 9A.44.096);
 - (ix) Stalking (RCW 9A.46.110);
 - (x) Indecent exposure (RCW 9A.88.010);
 - (xi) Violation of a sexual assault protection order granted under chapter 7.90 RCW; and
- (b) Every adult or juvenile individual who is required to register under RCW 9A.44.130.

(2)(a) A municipal jurisdiction may also submit any biological sample to the laboratory services bureau of the Washington state patrol for purposes of DNA identification analysis when:

(i) The sample was collected from a defendant upon conviction for a municipal offense where the underlying ordinance does not adopt the relevant state statute by reference but the offense is otherwise equivalent to an offense in subsection (1)(a) of this section;

(ii) The equivalent offense in subsection (1)(a) of this section was an offense for which collection of a biological sample was required under this section at the time of the conviction; and

(iii) The sample was collected on or after June 12, 2008, and before January 1, 2020.

(b) When submitting a biological sample under this subsection, the municipal jurisdiction must include a signed affidavit from the municipal prosecuting authority of the jurisdiction in which the conviction occurred specifying the state crime to which the municipal offense is equivalent.

(3) Law enforcement may submit to the forensic laboratory services bureau of the Washington state patrol, for purposes of DNA identification analysis, any lawfully obtained biological sample within its control from a deceased offender who was previously convicted of an offense under subsection (1)(a) of this section, regardless of the date of conviction.

(4) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(5) Biological samples shall be collected in the following manner:

(a) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who do not serve a term of confinement in a department of corrections facility or a department of children, youth, and families facility, and are serving a term of confinement in a city or county jail facility, the city or county jail facility shall be responsible for obtaining the biological samples.

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who do not serve a term of confinement in a department of corrections facility, department of children, youth, and families facility, or a city or county jail facility; and

(ii) Persons who are required to register under RCW 9A.44.130.

(c) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of children, youth, and families facility, the facility holding the person shall be responsible for obtaining the biological samples as part of the intake process. If the facility did not collect the biological sample during the intake process, then the facility shall collect the biological sample as soon as is

practicable. For those persons incarcerated before June 12, 2008, who have not yet had a biological sample collected, priority shall be given to those persons who will be released the soonest.

~~((6))~~ (d) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who will not serve a term of confinement, the court shall ~~((order))~~; Order the person to report to the local police department or sheriff's office as provided under subsection (5)(b)(i) of this section within a reasonable period of time established by the court in order to provide a biological sample; or if the local police department or sheriff's office has a protocol for collecting the biological sample in the courtroom, order the person to immediately provide the biological sample to the local police department or sheriff's office before leaving the presence of the court. The court must further inform the person that refusal to provide a biological sample is a gross misdemeanor under this section.

~~((7))~~ (6) Any biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

~~((8))~~ (7) The forensic laboratory services bureau of the Washington state patrol is responsible for testing performed on all biological samples that are collected under this section, to the extent allowed by funding available for this purpose. Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

~~((9))~~ (8) This section applies to:

(a) All adults and juveniles to whom this section applied prior to June 12, 2008;

(b) All adults and juveniles to whom this section did not apply prior to June 12, 2008, who:

(i) Are convicted on or after June 12, 2008, of an offense listed in subsection (1)(a) of this section on the date of conviction; or

(ii) Were convicted prior to June 12, 2008, of an offense listed in subsection (1)(a) of this section and are still incarcerated on or after June 12, 2008;

(c) All adults and juveniles who are required to register under RCW 9A.44.130 on or after June 12, 2008, whether convicted before, on, or after June 12, 2008; and

(d) All samples submitted under subsections (2) and (3) of this section.

~~((10))~~ (9) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

~~((11))~~ (10) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks. No cause of action may be brought against the state based upon the analysis of a biological sample authorized to be taken pursuant to a municipal ordinance if the conviction or adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including,

but not limited to, posttrial or postfact-finding motions, appeals, or collateral attacks.

~~((42))~~ (11) A person commits the crime of refusal to provide DNA if the person willfully refuses to comply with a legal request for a DNA sample as required under this section. The refusal to provide DNA is a gross misdemeanor.

NEW SECTION. Sec. 8. A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall develop a proposal for a case review program. The commission shall research, design, and develop case review strategies designed to optimize outcomes in sexual assault investigations through improved training and investigatory practices. The proposed program must evaluate whether current training and practices foster a trauma-informed, victim-centered approach to victim interviews that identifies best practices and current gaps in training and assesses the integration of the community resiliency model. The program will include a comparison of cases involving investigators and interviewers who have participated in training to cases involving investigators and interviewers who have not participated in training. The program will also include other randomly selected cases for a systematic review to assess whether current practices conform to national best practices for a multidisciplinary approach to investigating sexual assault cases and interacting with survivors.

(2) In designing the program, the commission shall consult and collaborate with experts in trauma-informed and victim-centered training, experts in sexual assault investigations and prosecutions, victim advocates, and other stakeholders identified by the commission. The commission may form a multidisciplinary working group for the purpose of carrying out the requirements of this section.

(3) The commission shall submit a report with a summary of its proposal to the governor and the appropriate committees of the legislature by December 1, 2020.

(4) This section expires July 1, 2021.

NEW SECTION. Sec. 9. The legislature recognizes that proper storage and preservation of evidence, including maintaining chain of custody requirements, are critical to any successful investigation and prosecution. Unreported sexual assault kits are, therefore, most appropriately stored and preserved by law enforcement agencies. The legislature further recognizes that some agencies are facing storage capacity constraints. Agencies are currently responsible for storing found property, regardless if the property is associated with a criminal investigation. Therefore, the legislature hereby intends to provide flexibility for local governments to designate an alternate entity to store found property in order to allow those agencies with capacity issues to prioritize storage space for evidence and potential evidence in criminal investigations.

Sec. 10. RCW 63.21.010 and 1997 c 237 s 1 are each amended to read as follows:

(1) Any person who finds property that is not unlawful to possess, the owner of which is unknown, and who wishes to claim the found property, shall:

(a) Within seven days of the finding acquire a signed statement setting forth an appraisal of the current market value of the property prepared by a qualified person engaged in buying or selling like items or by a district court judge, unless the found property is cash; and

(b) Within seven days report the find of property and surrender, if requested, the property and a copy of the evidence of the value of the property to the chief law enforcement officer, ~~((☉))~~ his or her designated representative, or other designated entity under section 15 of this act, of the governmental entity where the property was found, and serve written notice upon the officer or

designee of the finder's intent to claim the property if the owner does not make out his or her right to it under this chapter.

(2) Within thirty days of the report the governmental entity shall cause notice of the finding to be published at least once a week for two successive weeks in a newspaper of general circulation in the county where the property was found, unless the appraised value of the property is less than the cost of publishing notice. If the value is less than the cost of publishing notice, the governmental entity may cause notice to be posted or published in other media or formats that do not incur expense to the governmental entity.

Sec. 11. RCW 63.21.020 and 1979 ex.s. c 85 s 2 are each amended to read as follows:

The finder's claim to the property shall be extinguished:

(1) If the owner satisfactorily establishes, within sixty days after the find was reported to the appropriate officer or, if so designated under section 15 of this act, the appropriate entity, the owner's right to possession of the property; or

(2) If the chief law enforcement officer or designee determines and so informs the finder that the property is illegal for the finder to possess.

Sec. 12. RCW 63.21.030 and 1997 c 237 s 2 are each amended to read as follows:

(1) The found property shall be released to the finder and become the property of the finder sixty days after the find was reported to the appropriate officer or designee if no owner has been found, or sixty days after the final disposition of any judicial or other official proceeding involving the property, whichever is later. The property shall be released only after the finder has presented evidence of payment to the treasurer of the governmental entity handling the found property, the amount of ten dollars plus the amount of the cost of publication of notice incurred by the ~~((government [governmental]))~~ governmental entity pursuant to RCW 63.21.010, which amount shall be deposited in the general fund of the governmental entity. If the appraised value of the property is less than the cost of publication of notice of the finding, then the finder is not required to pay any fee.

(2) When ninety days have passed after the found property was reported to the appropriate officer or designee, or ninety days after the final disposition of a judicial or other proceeding involving the found property, and the finder has not completed the requirements of this chapter, the finder's claim shall be deemed to have expired and the found property may be disposed of as unclaimed property under chapter 63.32 or 63.40 RCW. Such laws shall also apply whenever a finder states in writing that he or she has no intention of claiming the found property.

Sec. 13. RCW 63.21.050 and 2019 c 30 s 1 are each amended to read as follows:

(1) The chief law enforcement officer ~~((☉))~~ his or her designated representative, or other designated entity under section 15 of this act to whom a finder surrenders property, must:

(a) Advise the finder if the found property is illegal for him or her to possess;

(b) Advise the finder if the found property is to be held as evidence in judicial or other official proceedings;

(c) Advise the finder in writing of the procedures to be followed in claiming the found property;

(d) If the property is valued at one hundred dollars or less adjusted for inflation under subsection (2) of this section, allow the finder to retain the property if it is determined there is no reason for the officer or designee to retain the property;

(e) If the property exceeds one hundred dollars adjusted for inflation under subsection (2) of this section in value and has been requested to be surrendered to the ~~((law enforcement agency))~~ governmental entity, retain the property for sixty days before it

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can be claimed by the finder under this chapter, unless the owner has recovered the property;

(f) If the property is held as evidence in judicial or other official proceedings, retain the property for sixty days after the final disposition of the judicial or other official proceeding, before it can be claimed by the finder or owner under the provisions of this chapter;

(g) After the required number of days have passed, and if no owner has been found, surrender the property to the finder according to the requirements of this chapter; or

(h) If neither the finder nor the owner claim the property retained by the officer or designee within thirty days of the time when the claim can be made, the property must be disposed of as unclaimed property under chapter 63.32 or 63.40 RCW.

(2)(a) The office of financial management must adjust the dollar thresholds established in subsection (1)(d) and (e) of this section for inflation every five years, beginning July 1, 2025, based upon changes in the Seattle consumer price index during that time period. The office of financial management must calculate the new dollar threshold and transmit the new dollar threshold, rounded up to the nearest dollar, to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(b) For the purposes of determining the thresholds in subsection (1)(d) and (e) of this section, the chief law enforcement officer ((~~☞~~)), his or her designated representative, or other designated entity under section 15 of this act must use the latest thresholds published by the office of financial management in the Washington State Register under (a) of this subsection.

Sec. 14. RCW 63.21.060 and 1979 ex.s. c 85 s 6 are each amended to read as follows:

Any governmental entity that acquires lost property shall attempt to notify the apparent owner of the property. If the property is not returned to a person validly establishing ownership or right to possession of the property, the governmental entity shall forward the lost property within thirty days but not less than ten days after the time the governmental entity acquires the lost property to the chief law enforcement officer, ((~~☞~~)) his or her designated representative, or other designated entity under section 16 of this act, of the county in which the property was found, except that if the property is found within the borders of a city or town the property shall be forwarded to the chief law enforcement officer of the city or town ((~~☞~~)), his or her designated representative, or other entity of the city or town so designated under section 15 of this act. A governmental entity may elect to retain property which it acquires and dispose of the property as provided by chapter 63.32 or 63.40 RCW.

NEW SECTION. Sec. 15. A new section is added to chapter 63.21 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a county, city, or town may designate an alternate department or governmental entity to accept, store, retain, and dispose of found property as required under this chapter, rather than the chief law enforcement officer or his or her designee, so long as the alternate department or governmental entity complies with the requirements and procedures under this chapter.

(2) Regardless of whether a county, city, or town designates an alternate department or governmental entity under subsection (1) of this section, the chief law enforcement officer or his or her designated representative is responsible for retaining any of the following types of property in accordance with the requirements of this chapter: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess.

A county, city, or town designating an alternate department or governmental entity under subsection (1) of this section shall establish procedures for ensuring these types of property are directed to the chief law enforcement officer or his or her designated representative.

NEW SECTION. Sec. 16. A new section is added to chapter 63.32 RCW to read as follows:

(1) This chapter does not modify the requirements for a police department to accept found property under chapter 63.21 RCW.

(2) If a city or town designates an alternate department or governmental entity to accept found property under section 15 of this act:

(a) The designated department or governmental entity shall comply with the retention and disposition requirements under this chapter in the same manner as would be required of a police department; and

(b) The police department is not required to accept found property from a finder of said property, unless the property is any of the following: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. Such found property accepted by a police department must be retained or disposed of in accordance with this chapter and other applicable state laws.

NEW SECTION. Sec. 17. A new section is added to chapter 63.40 RCW to read as follows:

(1) This chapter does not modify the requirements for a sheriff to accept found property under chapter 63.21 RCW.

(2) If a county designates an alternate department or governmental entity to accept found property under section 15 of this act:

(a) The designated department or governmental entity shall comply with the disposition requirements under this chapter in the same manner as would be required of the sheriff; and

(b) The sheriff is not required to accept found property from a finder of said property, unless the property is any of the following: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. Such found property accepted by a sheriff must be retained or disposed of in accordance with this chapter and other applicable state laws.

NEW SECTION. Sec. 18. RCW 70.125.090 and 70.125.100 are each recodified as sections in chapter 5.70 RCW.

NEW SECTION. Sec. 19. Section 3 of this act takes effect June 30, 2020."

On page 1, line 1 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 5.70.010, 70.125.090, 70.125.100, 43.43.545, 43.43.754, 63.21.010, 63.21.020, 63.21.030, 63.21.050, and 63.21.060; adding new sections to chapter 5.70 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 63.21 RCW; adding a new section to chapter 63.32 RCW; adding a new section to chapter 63.40 RCW; creating a new section; recodifying RCW 70.125.090 and 70.125.100; providing an effective date; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Engrossed Substitute House Bill No. 2318.

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 Substitute House Bill No. 2318 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.

On motion of Senator Rivers, Senator Wilson, L. was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2318 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2318 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Becker and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318 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. 2394, by House Committee on Public Safety (originally sponsored by Klippert, Goodman, Davis, Ormsby and Appleton)

Concerning community custody.

The measure was read the second time.

MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.589 and 2015 2nd sp.s. c 3 s 13 are each amended to read as follows:

(1)(a) Except as provided in (b), (c), or (d) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.535. "Same

criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses arising from separate and distinct criminal conduct, the standard sentence range for the offense with the highest seriousness level under RCW 9.94A.515 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the standard sentence range for other serious violent offenses shall be determined by using an offender score of zero. The standard sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under this subsection (1)(b) shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection. Even if the court orders the confinement terms to run consecutively to each other, the terms of community custody shall run concurrently to each other, unless the court expressly orders the community custody terms to run consecutively to each other.

(c) If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, the standard sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this subsection (1)(c), as if they were prior convictions. The offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

(d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6), or 46.61.5055(4) shall be served consecutively to any sentences imposed under RCW 46.20.740 and 46.20.750.

(2)(a) ~~((Except as provided in (b) of this subsection, whenever))~~ Whenever a person while under sentence for conviction of a felony commits another felony and is sentenced to another term of confinement, the latter term of confinement shall not begin until expiration of all prior terms of confinement. However, any terms of community custody shall run concurrently to each other, unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(b) Whenever a second or later felony conviction results in consecutive community ~~((supervision))~~ custody with conditions not currently in effect, under the prior sentence or sentences of community ~~((supervision))~~ custody, the court may require that the conditions of community ~~((supervision))~~ custody contained in the second or later sentence begin during the immediate term of community ~~((supervision))~~ custody and continue throughout the duration of the consecutive term of community ~~((supervision))~~ custody.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence for conviction of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that ~~((they))~~ the confinement terms be served consecutively to each other. Even if the court orders the confinement terms to run consecutively to each other, the terms of community custody shall run concurrently to each other, unless the court expressly orders the community custody terms to run consecutively to each other.

(4) Whenever any person granted probation under RCW

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9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) In the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community restitution, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.535, if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

Sec. 2. RCW 9.94B.050 and 2003 c 379 s 4 are each amended to read as follows:

When a court sentences an offender to a term of total confinement in the custody of the department for any of the offenses specified in this section, the court shall also sentence the offender to a term of community placement as provided in this section. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community placement imposed under this section.

(1) The court shall order a one-year term of community placement for the following:

(a) A sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990; or

(b) An offense committed on or after July 1, 1988, but before July 25, 1999, that is:

(i) Assault in the second degree;

(ii) Assault of a child in the second degree;

(iii) A crime against persons where it is determined in accordance with RCW (~~(9.94A.602)~~ 9.94A.825) that the offender or an accomplice was armed with a deadly weapon at the time of commission; or

(iv) A felony offense under chapter 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660.

(2) The court shall sentence the offender to a term of community placement of two years or up to the period of earned release awarded pursuant to RCW 9.94A.728, whichever is longer, for:

(a) An offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, including those sex offenses also included in other offense categories;

(b) A serious violent offense other than a sex offense committed on or after July 1, 1990, but before July 1, 2000; or

(c) A vehicular homicide or vehicular assault committed on or after July 1, 1990, but before July 1, 2000.

(3) The community placement ordered under this section shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release. When the court sentences an offender to the statutory maximum sentence then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible. Any period of community custody actually served shall be credited against the community placement portion of the sentence. The community placement shall run concurrently to any period of probation, parole, community supervision, community placement, or community custody previously imposed by any court in any jurisdiction, unless the court pronouncing the current sentence expressly orders that they be served consecutively to each other.

(4) Unless a condition is waived by the court, the terms of any community placement imposed under this section shall include the following conditions:

(a) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(b) The offender shall work at department-approved education, employment, or community restitution, or any combination thereof;

(c) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

(d) The offender shall pay supervision fees as determined by the department; and

(e) The residence location and living arrangements shall be subject to the prior approval of the department during the period of community placement.

(5) As a part of any terms of community placement imposed under this section, the court may also order one or more of the following special conditions:

(a) The offender shall remain within, or outside of, a specified geographical boundary;

(b) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) The offender shall participate in crime-related treatment or counseling services;

(d) The offender shall not consume alcohol; or

(e) The offender shall comply with any crime-related prohibitions.

(6) An offender convicted of a felony sex offense against a minor victim after June 6, 1996, shall comply with any terms and conditions of community placement imposed by the department relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(7) Prior to or during community placement, upon recommendation of the department, the sentencing court may remove or modify any conditions of community placement so as not to be more restrictive.

NEW SECTION. Sec. 3. The department of corrections must recalculate the scheduled end dates for terms of community custody, community supervision, and community placement so that they run concurrently to previously imposed sentences of community custody, community supervision, community placement, probation, and parole, unless the court pronouncing the current sentence has expressly required such terms to run consecutively. This section applies to each offender currently in confinement or under active supervision, regardless of whether the offender is sentenced after the effective date of this section and regardless of whether the offender's date of offense occurred prior to the effective date of this section or after.

NEW SECTION. Sec. 4. The legislature declares that the department of corrections' recalculations of community custody terms pursuant to this act do not create any expectations that a particular community custody term will end before July 1, 2020, and offenders have no reason to conclude that the recalculation of their community custody terms before July 1, 2020, is an entitlement or creates any liberty interest in their community custody term ending before July 1, 2020.

NEW SECTION. Sec. 5. The department of corrections has the authority to begin implementing this act upon the effective date of this section.

NEW SECTION. Sec. 6. This act applies retroactively and prospectively, regardless of the date of an offender's underlying offense."

On page 1, line 1 of the title, after "custody;" strike the remainder of the title and insert "amending RCW 9.94A.589 and 9.94B.050; creating new sections; and prescribing penalties."

MOTION

Senator O'Ban moved that the following floor amendment no. 1231 by Senator O'Ban be adopted:

On page 1, after line 2, insert the following:

"NEW SECTION. Sec. 1. The legislature declares its specific intent to dedicate any savings generated by this act to a special account to be used for purposes specified in section 4 of this act."

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

On page 5, after line 32, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW to read as follows:

(1) The reentry and public safety account is created in the state treasury.

(2) Expenditures from the account may be used only for:

(a) Reducing caseloads of community corrections officers by increasing the number of community corrections officers;

(b) Implementing and expanding evidence-based strategies to increase the effectiveness of community supervision;

(c) Funding medication-assisted treatment in jails; and

(d) Establishing and expanding reentry services for individuals leaving incarceration from prisons and jails.

(3) It is the express intent of the legislature that moneys in the reentry and public safety account may not be transferred to any other account or spent for any purposes other than provided under this section.

(4) Revenues to the reentry and public safety account consist of:

(a) Funds transferred to the account pursuant to this act; and

(b) Any other revenues appropriated to or deposited into the account.

(5)(a) For the fiscal year beginning July 1, 2020, the state treasurer shall transfer fourteen million eight hundred two thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2021, the state treasurer shall transfer fifteen million eight hundred fifty-three thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2022, the state treasurer shall transfer twenty-four million eight hundred forty-two thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2023, the state treasurer shall transfer thirty million five hundred ninety-five thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2024, and each subsequent fiscal year, the state treasurer shall transfer twenty-eight million six hundred forty-five thousand dollars from the general fund to the reentry and public safety account.

(b) Moneys transferred to the reentry and public safety account in (a) of this subsection may only be used by the department for the purposes of subsection (2) of this section.

(c) Moneys in the account may be spent only after appropriation.

(6) Moneys appropriated to the reentry and public safety account may not be used to supplant existing funding or levels of service."

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

On page 6, line 6, after "6." strike "This act applies" and insert "Sections 2 and 3 of this act apply"

On page 6, line 11, after "9.94B.050;" insert "adding a new section to chapter 72.09 RCW"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1231 by Senator O'Ban on page 1, line 2 to the committee striking amendment.

The motion by Senator O'Ban did not carry and floor amendment no. 1231 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation to Substitute House Bill No. 2394.

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

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2394 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2394 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2394 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Rivers

Excused: Senator Becker

SUBSTITUTE HOUSE BILL NO. 2394 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. 2393, by House Committee on Public Safety (originally sponsored by Goodman, Klippert, Davis, Ormsby and Appleton)

Earning credit for complying with community custody conditions.

The measure was read the second time.

MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be adopted:

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Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.501 and 2019 c 191 s 2 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, or 9.94A.711;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise

any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (8), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under this section may be reduced by the earned award of supervision compliance credit pursuant to section 2 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender sentenced under this chapter or chapter 9.94B RCW is supervised by the department, the offender may earn supervision compliance credit in accordance with procedures that are developed and adopted by the department.

(a) The supervision compliance credit shall be awarded to offenders who are in compliance with supervision terms and are making progress towards the goals of their individualized supervision case plan, including: Participation in specific targeted interventions, risk-related programming, or treatment; or completing steps towards specific targeted goals that enhance protective factors and stability, as determined by the department.

(b) For each month in compliance with community custody conditions in accordance with (a) of this subsection, an offender may earn supervision compliance credit of ten days.

(c) Supervision compliance credit is accrued monthly and time shall not be applied to an offender's term of supervision prior to the earning of the time.

(2) An offender is not eligible to earn supervision compliance credit if he or she:

(a) Was sentenced under RCW 9.94A.507 or 10.95.030;

(b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or 9.94A.670;

(c) Is subject to supervision pursuant to RCW 9.94A.745;

(d) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017; or

(e) Is serving community custody pursuant to early release under RCW 9.94A.730.

NEW SECTION. Sec. 3. The department of corrections has discretion to implement sections 1 and 2 of this act over a period of time not to exceed twelve months. For any offender under active supervision by the department as of the effective date of this section, he or she is not eligible to earn supervision compliance credit pursuant to section 2 of this act until he or she has received an orientation by the department regarding supervision compliance credit."

On page 1, line 2 of the title, after "conditions;" strike the remainder of the title and insert "amending RCW 9.94A.501; adding a new section to chapter 9.94A RCW; and creating a new section."

MOTION

Senator O'Ban moved that the following floor amendment no. 1230 by Senator O'Ban be adopted:

On page 1, after line 2, insert the following:

"**NEW SECTION. Sec. 1.** The legislature declares its specific intent to dedicate any savings generated by this act to a special account to be used for purposes specified in section 3 of this act."

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

On page 3, after line 34, insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The reentry and public safety account is created in the state treasury.

(2) Expenditures from the account may be used only for:

(a) Reducing caseloads of community corrections officers by increasing the number of community corrections officers;

(b) Implementing and expanding evidence-based strategies to increase the effectiveness of community supervision;

(c) Funding medication-assisted treatment in jails; and

(d) Establishing and expanding reentry services for individuals leaving incarceration from prisons and jails.

(3) It is the express intent of the legislature that moneys in the reentry and public safety account may not be transferred to any other account or spent for any purposes other than provided under this section.

(4) Revenues to the reentry and public safety account consist of:

(a) Funds transferred to the account pursuant to this act; and

(b) Any other revenues appropriated to or deposited into the account.

(5)(a) For the fiscal year beginning July 1, 2020, the state treasurer shall transfer fourteen million eight hundred two thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2021, the state treasurer shall transfer fifteen million eight hundred fifty-three thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2022, the state treasurer shall transfer twenty-four million eight hundred forty-two thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2023, the state treasurer shall transfer thirty million five hundred ninety-five thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2024, and each subsequent fiscal year, the state treasurer shall transfer twenty-eight million six hundred forty-five thousand dollars from the general fund to the reentry and public safety account.

(b) Moneys transferred to the reentry and public safety account in (a) of this subsection may only be used by the department for the purposes of subsection (2) of this section.

(c) Moneys in the account may be spent only after appropriation.

(6) Moneys appropriated to the reentry and public safety account may not be used to supplant existing funding or levels of service."

ReNUMBER the remaining section consecutively and correct any internal references accordingly.

On page 4, line 7, after "RCW;" strike "and creating a new section" and insert "adding a new section to chapter 72.09 RCW; and creating new sections"

Senator O'Ban spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1230 by Senator O'Ban on page 1, after line 2 to the committee striking amendment.

The motion by Senator O'Ban did not carry and floor amendment no. 1230 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation to Substitute House Bill No. 2393.

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

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2393 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2393 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2393 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

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

Voting nay: Senators Ericksen, Honeyford, Rivers and Wagoner

Excused: Senator Becker

SUBSTITUTE HOUSE BILL NO. 2393 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. 2567, by House Committee on Civil Rights & Judiciary (originally sponsored by Thai, Santos, Ryu, Valdez, Pollet, Davis, Wylie, Gregerson, Slatter, Lekanoff, Ortiz-Self, Frame, Mead and Kloba)

Concerning open courts.

The measure was read the second time.

MOTION

Senator Short moved that the following floor amendment no. 1239 by Senator Short be adopted:

On page 6, beginning on line 11, after "(3)" strike all material through "(4)" on line 15

Senators Short, Padden and Fortunato spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

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The President declared the question before the Senate to be the adoption of floor amendment no. 1239 by Senator Short on page 6, line 11 to Substitute House Bill No. 2567.

The motion by Senator Short did not carry and floor amendment no. 1239 was not adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2567 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senators Warnick, Schoesler, Padden, Honeyford, Fortunato, Sheldon and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2567.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2567 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Becker

SUBSTITUTE HOUSE BILL NO. 2567, 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. 1182, by House Committee on Appropriations (originally sponsored by Santos, Steele, Dolan, Ortiz-Self and Slatter)

Modifying the learning assistance program.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature acknowledges that the learning assistance program was developed to provide supplemental services for public school students who are not meeting academic standards. Initially, school districts were allowed to use learning assistance program funds in a flexible manner to support participating students. Over time, the legislature has continued to reduce flexibility, create additional

restrictions, and establish priorities for the use of learning assistance program funds to such an extent that the program may no longer be as effective in promoting student success or serving the original intent as it could be. The legislature finds that it is time to reexamine the learning assistance program requirements in a holistic manner with a goal of restoring flexibility to districts to use the funds in a way that promotes a coordinated system of academic and nonacademic supports that reduce barriers to academic achievement and best serve student success while also balancing local control with local accountability for improvement in student learning.

NEW SECTION. Sec. 2. (1) The office of the superintendent of public instruction shall review the requirements of the learning assistance program and shall make recommendations to the legislature by October 1, 2020, on how to modify the program requirements including, but not limited to, recommendations on:

(a) Appropriate monitoring and reporting requirements;

(b) The types of services and activities that can be supported by the learning assistance program funds, including whether support for all or portions of the Washington integrated student supports protocol established under RCW 28A.300.139 should be included; and

(c) Whether use of a practice or strategy identified on the state menu as required by RCW 28A.165.035 should continue to be a criteria of the program.

(2) This section expires January 1, 2021.

Sec. 3. RCW 28A.165.035 and 2018 c 75 s 7 are each amended to read as follows:

(1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Intensive reading and literacy improvement strategies under RCW 28A.655.235;

(d) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

~~((d))~~ (e) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

~~((e))~~ (f) Tutoring support for participating students;

~~((f))~~ (g) School-wide behavioral health system of supports and interventions for students including social workers, counselors, instructional aides, and other school-based health professionals;

(h) Screening and intervention requirements under RCW 28A.320.260, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program, and any staff trainings necessary to implement RCW 28A.320.260;

(i) Outreach activities and support for parents of participating students, including employing parent and family engagement

coordinators; and

~~((g))~~ (j) Up to ~~((five))~~ fifteen percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The school board must approve in an open meeting any community-based organization or local agency before learning assistance program funds may be expended.

(2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1st ~~(, 2015, and update the state menus by each July 1st thereafter))~~ of each year.

(3)(a) ~~((Beginning in the 2016-17 school year, except))~~ Except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.

(b) ~~((Beginning in the 2016-17 school year, school))~~ School districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) ~~((Beginning in the 2016-17 school year, school))~~ School districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

~~((4) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.~~

~~(5) School districts may use learning assistance program allocations to meet the screening and intervention requirements of RCW 28A.320.260, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program. The learning assistance program allocations may also be used for school district staff trainings necessary to implement the provisions of RCW 28A.320.260.)~~

Sec. 4. RCW 28A.165.005 and 2017 3rd sp.s. c 13 s 403 are each amended to read as follows:

(1) This chapter is designed to: (a) Promote the use of data when developing programs to assist students who are not meeting academic standards and reduce disruptive behaviors in the classroom; and (b) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist students who are not meeting academic standards and reduce disruptive behaviors in the classroom.

(2) School districts implementing a learning assistance

program shall ~~((focus first on addressing))~~ expend a portion of learning assistance program funding to address the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy."

On page 1, line 5 of the title, after "protocol;" strike the remainder of the title and insert "amending RCW 28A.165.035 and 28A.165.005; creating new sections; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Second Substitute House Bill No. 1182.

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

MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1182 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 Wellman spoke in favor of passage of the bill.

Senators Hawkins, Rivers and Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1182 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1182 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Becker

SECOND SUBSTITUTE HOUSE BILL NO. 1182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 2965,
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

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MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

EHB 2965 by Representatives Cody, Schmick, Riccelli, Bergquist, Callan, Dufault, Hudgins, Leavitt, Shewmake, Tharinger, Maycumber, Ramos, Ortiz-Self and Stonier

AN ACT Relating to the state's response to the novel coronavirus; amending RCW 38.52.105; adding a new section to chapter 74.46 RCW; making appropriations; and declaring an emergency.

MOTION

On motion of Senator Liias, under suspension of the rules Engrossed House Bill No. 2965 was placed on the second reading calendar.

SIGNED BY THE PRESIDENT

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

- ENGROSSED SENATE BILL NO. 5165,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5591,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6028,
- SUBSTITUTE SENATE BILL NO. 6029,
- SUBSTITUTE SENATE BILL NO. 6037,
- SENATE BILL NO. 6038,
- SUBSTITUTE SENATE BILL NO. 6048,
- SUBSTITUTE SENATE BILL NO. 6051,
- SUBSTITUTE SENATE BILL NO. 6052,
- SUBSTITUTE SENATE BILL NO. 6061,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6063,
- SENATE BILL NO. 6131,
- SENATE BILL NO. 6136,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6261,
- SENATE BILL NO. 6326,
- SENATE BILL NO. 6374,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6378,
- SUBSTITUTE SENATE BILL NO. 6409,
- SUBSTITUTE SENATE BILL NO. 6500,
- SUBSTITUTE SENATE BILL NO. 6526,
- SENATE BILL NO. 6551,
- SUBSTITUTE SENATE BILL NO. 6670,

MOTION

At 11:52 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:32 p.m. by President Habib.

MOTION

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Maia C. McCoy, Senate Gubernatorial Appointment No. 9165, be confirmed as a member of the Sentencing Guidelines Commission.

Senator Darneille spoke in favor of the motion.

APPOINTMENT OF MAIA C. MCCOY

The President declared the question before the Senate to be the confirmation of Maia C. McCoy, Senate Gubernatorial Appointment No. 9165, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Maia C. McCoy, Senate Gubernatorial Appointment No. 9165, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

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

Absent: Senator Ericksen

Excused: Senators Becker and Sheldon

Maia C. McCoy, Senate Gubernatorial Appointment No. 9165, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTIONS

On motion of Senator Rivers, Senator Sheldon was excused.

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

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

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1191, by House Committee on Education (originally sponsored by Goodman and Frame)

Concerning school notifications.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.320 RCW to read as follows:

(1) A school district superintendent, a designee of the superintendent, or a principal of a school who receives information pursuant to RCW 28A.225.330, 9A.44.138, 13.04.155, 13.40.215, or 72.09.730 shall comply with the notification provisions described in this section.

(2) Upon receipt of information described in subsection (1) of this section, a school district superintendent or a designee of the superintendent must provide the received information to the principal of the school where the student is enrolled or will enroll, or if not known, where the student was most recently enrolled.

(3)(a) Upon receipt of information about a sex offense as defined in RCW 9.94A.030, the principal must comply with the notification requirements in RCW 9A.44.138.

(b) Upon receipt of information about a violent offense as defined in RCW 9.94A.030, any crime under chapter 9A1 RCW, unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW, or a school disciplinary action, the principal, subject to requirements of subsection (4) of this section, has discretion to share the information with a school district staff member if, in the principal's judgment, the information is necessary for:

(i) The staff member to supervise the student;

(ii) The staff member to provide or refer the student to therapeutic or behavioral health services; or

(iii) Security purposes.

(4)(a) Upon receipt of information about an adjudication in juvenile court for an unlawful possession of a controlled substance in violation of chapter 69.50 RCW, the principal must notify the student and the parent or legal guardian at least five days before sharing the information with a school district staff member.

(b) If either the student or the student's parent or legal guardian objects to the proposed sharing of the information, the student, the student's parent or legal guardian, or both, may, within five business days of receiving notice from the principal, appeal the decision to share the information with staff to the superintendent of the school district in accordance with procedures adopted by the district.

(c) The superintendent shall have five business days after receiving an appeal under (b) of this subsection to make a written determination on the matter. Determinations by superintendents under this subsection are final and not subject to further appeal.

(d) A principal may not share adjudication information under this subsection with a school district staff member while an appeal is pending.

(5) Any information received by school district staff under this section is exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994 (20 U.S.C. Sec. 1232g et seq.).

NEW SECTION. Sec. 2. A new section is added to chapter 28A.195 RCW to read as follows:

The administrator of a private school approved under this chapter must comply with the notification provisions of section 1 of this act that apply to superintendents, designees of superintendents, and principals.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.710 RCW to read as follows:

The administrator of a charter public school governed by this chapter must comply with the notification provisions of section 1 of this act that apply to superintendents, designees of superintendents, and principals.

Sec. 4. RCW 28A.320.128 and 2002 c 206 s 1 are each

amended to read as follows:

(1) By September 1, ~~((2003))~~ 2020, each school district board of directors shall adopt a policy that addresses the following issues:

(a) Procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm"; and

(b) Procedures for ~~((disclosing information that is provided to the school administrators about a student's conduct, including but not limited to the student's prior disciplinary records, official juvenile court records, and history of violence, to classroom teachers, school staff, and school security who, in the judgment of the principal, should be notified; and~~

(c) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for suspension or expulsion of the student)) complying with the notification provisions in section 1 of this act.

(2) The ~~((superintendent of public instruction))~~ Washington state school directors' association, in consultation with educators and representatives of law enforcement, classified staff, ~~((and))~~ organizations with expertise in violence prevention and intervention, and organizations that provide free legal services for youth, shall adopt, and revise as necessary, a model policy that includes the issues listed in subsection (1) of this section ~~((by January 1, 2003))~~. The model policy shall be ~~((posted on the superintendent of public instruction's))~~ disseminated by the Washington state school directors' association and made available to the public on its web site. ~~((The))~~ Each school district ~~((s, in drafting their own policies,))~~ shall ~~((review))~~ adopt the model policy required by this subsection unless it has a compelling reason to develop and adopt a different policy that also addresses the issues identified in subsection (1) of this section.

(3) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as required and consistent with the board's policies adopted under this section are immune from any liability arising out of such notification.

(4) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

Sec. 5. RCW 9A.44.138 and 2011 c 337 s 4 are each amended to read as follows:

(1) Upon receiving notice from a registered person pursuant to RCW 9A.44.130 that the person will be attending a school enrolling students in grades kindergarten through twelve or an institution of higher education, or will be employed with an institution of higher education, the sheriff must promptly notify the designated recipient of the school ~~((district and the school principal))~~ or institution ~~((s department))~~ of ~~((public safety and shall provide that school or department with))~~ the person's: (a) Name and any aliases used; (b) complete residential address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) ~~((social security number; (h)))~~ (h) photograph; and ((h)) (h) risk level classification.

(2) ~~((A principal or department))~~ Except as provided in subsection (3) of this section, a designated recipient receiving notice under this ~~((subsection))~~ section must disclose the information received from the sheriff as follows:

(a) If the student is classified as a risk level II or III, the ~~((principal))~~ designated recipient shall provide the information received to every teacher of the student and to any other personnel who, in the judgment of the ~~((principal))~~ designated recipient, supervises the student or for security purposes should be aware of the student's record;

(b) If the student is classified as a risk level I, the ~~((principal or~~

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~~department)) designated recipient shall provide the information received only to personnel who, in the judgment of the ((principal or department)) designated recipient, for security purposes should be aware of the student's record.~~

~~(3) When the designated recipient is the administrator of a school district, the designated recipient must disclose the information to the principal of the school that the registered person will be attending, whether the school is a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW. The principal must then disclose the information as provided in subsection (2) of this section.~~

~~(4) The sheriff shall notify the applicable ((school district and school principal or institution's department of public safety)) designated recipient whenever a student's risk level classification is changed or the sheriff is notified of a change in the student's address.~~

~~((4)) (5) Any information received by school or institution personnel under this ((subsection)) section is ((confidential)) exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.~~

~~(6) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; (c) the administrator of a private school approved under chapter 28A.195 RCW; or (d) the director of the department of public safety at an institution of higher education.~~

~~Sec. 6. RCW 13.04.155 and 2000 c 27 s 1 are each amended to read as follows:~~

~~(1) ((Whenever a minor enrolled in any common school is)) The provisions of this section apply only to persons who:~~

~~(a) Were adjudicated in juvenile court or convicted in adult criminal court((, or adjudicated or entered into a diversion agreement with the juvenile court on any)) of ((the following offenses, the court must notify the principal of the student's school of the disposition of the case, after first notifying the parent or legal guardian that such notification will be made)):~~

- ~~((a)) (i) A violent offense as defined in RCW 9.94A.030;~~
- ~~((b)) (ii) A sex offense as defined in RCW 9.94A.030;~~
- ~~((c) Inhaling toxic fumes under chapter 9.47A RCW;~~
- ~~(d) A controlled substances violation under chapter 69.50 RCW;~~
- ~~(e) A liquor violation under RCW 66.44.270; and~~
- ~~(f) Any crime under chapters 9A.41, 9A.36, 9A.40, 9A.46, and 9A.48 RCW.~~

~~(2) The principal must provide the information received under subsection (1) of this section to every teacher of any student who qualifies under subsection (1) of this section and any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record. The principal must provide the information to teachers and other personnel based on any written records that the principal maintains or receives from a juvenile court administrator or a law enforcement agency regarding the student.)~~

- ~~(iii) Any crime under chapter 9.41 RCW; or~~
- ~~(iv) Unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW;~~
- ~~(b) Are twenty-one years of age or younger; and~~
- ~~(c) Have not received a high school diploma or its equivalent.~~

~~(2)(a) The court must provide written notification of the juvenile court adjudication or adult criminal court conviction of a person described in subsection (1) of this section to the designated recipient of the school where the person:~~

- ~~(i) Was enrolled prior to adjudication or conviction; or~~
- ~~(ii) Has expressed an intention to enroll following adjudication or conviction.~~

~~(b) No notification is required if the person described in subsection (1) of this section is between eighteen and twenty-one years of age and:~~

- ~~(i) The person's prior or intended enrollment information cannot be obtained; or~~
- ~~(ii) The person asserts no intention of enrolling in an educational program.~~

~~(3) Any information received by a ((principal or school personnel)) designated recipient under this section is ((confidential)) exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.~~

~~(4) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; or (c) the administrator of a private school approved under chapter 28A.195 RCW.~~

~~Sec. 7. RCW 13.40.215 and 1999 c 198 s 1 are each amended to read as follows:~~

~~(1)(a) Except as provided in subsection (2) of this section, at the earliest ((possible)) practicable date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:~~

- ~~(i) The chief of police of the city, if any, in which the juvenile will reside; and~~
- ~~(ii) The sheriff of the county in which the juvenile will reside((; and~~

~~((iii) The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate, except when it has been determined by the department that the juvenile is twenty one years old or will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time)).~~

~~(b) ((After July 25, 1999, the department shall send a written notice to approved private and public schools under the same conditions identified in subsection (1)(a)(iii) of this section when a juvenile adjudicated of any offense is transferred to a community residential facility, discharged, paroled, released, or granted a leave.)) (i) Except as provided in subsection (2) of this section, at the earliest practicable date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of an individual who is found to have committed a violent offense or a sex offense, is twenty-one years of age or younger, and has not received a high school diploma or its equivalent, to the designated recipient of the~~

school where the juvenile either: (A) Was enrolled prior to incarceration or detention; or (B) has expressed an intention to enroll following his or her release. This notice must also include the restrictions described in subsection (5) of this section.

(ii) The community residential facility shall provide written notice of the offender's criminal history to the designated recipient of any school that the offender attends while residing at the community residential facility and to any employer that employs the offender while residing at the community residential facility.

(iii) As used in this subsection, "designated recipient" means: (A) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (B) the administrator of a charter public school governed by chapter 28A.710 RCW; or (C) the administrator of a private school approved under chapter 28A.195 RCW.

(c) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(d) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs.

(e) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall

include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public or approved private elementary, middle, or high school that is attended by a victim or a sibling of a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. ~~((Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate. The secretary shall send a similar notice to any approved private school the juvenile will attend, if known, or if unknown, to the approved private schools within the district the juvenile resides or intends to reside.))~~

(6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;

(d) "Next of kin" means a person's spouse, parents, siblings, and children.

Sec. 8. RCW 28A.225.330 and 2013 c 182 s 10 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request ~~((the school the student previously attended to send))~~ the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance from the school the student previously attended. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at

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approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010. School districts may charge the parent or guardian the actual cost of providing the copies of the records.

(4) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be sent within ten days after receiving the request. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

~~(6) ((When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.~~

~~(7))~~ A school may not prevent a student who is dependent pursuant to chapter 13.34 RCW from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the ten business days that the department of social and health services has to obtain that information under RCW 74.13.631. In addition, upon enrollment of a student who is dependent pursuant to chapter 13.34 RCW, the school district must make reasonable efforts to obtain and assess that child's educational history in order to meet the child's unique needs within two business days.

Sec. 9. RCW 72.09.730 and 2011 c 107 s 1 are each amended to read as follows:

(1) ~~((At the earliest possible date and in no event later than thirty days before))~~ The provisions of this section apply only to an offender ((is)) released from confinement((; the department shall provide notice to the school district board of directors of the district in which the offender last attended school if the offender)) who:

(a) Was convicted of a violent offense or sex offense as those terms are defined in RCW 9.94A.030;

(b) Is twenty-one years of age or younger at the time of release((;

~~(b) Has been convicted of a violent offense, a sex offense, or stalking)); and~~

(c) ~~((Last attended))~~ Has not received a high school ((in this state)) diploma or its equivalent.

(2) At the earliest practicable date, and in no event later than thirty days before release from confinement, the department must provide written notification of the release of an offender described in subsection (1) of this section to the designated recipient of the school where the offender:

(a) Was enrolled prior to incarceration or detention; or

(b) Has expressed an intention to enroll following his or her release.

(3) If after providing notification as required under subsection (2) of this section, the release of an offender described in subsection (1) of this section is delayed, the department must inform the designated recipient of the modified release date.

(4) This section applies whenever an offender is being released from total confinement, regardless if the release is to parole, community custody, work release placement, or furlough.

(5) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; or (c) the administrator of a private school approved under chapter 28A.195 RCW.

NEW SECTION. Sec. 10. A new section is added to chapter 42.56 RCW to read as follows:

Information received by a school district superintendent, a designee of the superintendent, or a principal pursuant to RCW 28A.225.330, 9A.44.138, 13.04.155, 13.40.215, or 72.09.730 is exempt from disclosure under this chapter."

On page 1, line 1 of the title, after "notifications;" strike the remainder of the title and insert "amending RCW 28A.320.128, 9A.44.138, 13.04.155, 13.40.215, 28A.225.330, and 72.09.730; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 28A.710 RCW; and adding a new section to chapter 42.56 RCW."

MOTION

Senator Padden moved that the following floor amendment no. 1233 by Senator Padden be adopted:

On page 6, line 3, after "under" insert "RCW 9A.36.060, 9A.40.040, 9A.36.090, 9A.48.040, or"

Senators Padden, Holy and Short 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.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 6, line 3 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 17; Nays, 28; Absent, 0; Excused, 4.

Voting yea: Senators Braun, Brown, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senators Becker, Ericksen, Sheldon and Wilson, L.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Second Substitute House Bill No. 1191.

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

MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1191 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 Wellman spoke in favor of passage of the bill.

Senators Hawkins, Padden and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1191 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1191 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Becker, Ericksen and Sheldon

SECOND SUBSTITUTE HOUSE BILL NO. 1191 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. 1608, by House Committee on Health Care & Wellness (originally sponsored by Macri, Dolan, Slatter, Stonier, Robinson, Kilduff, Riccelli, Senn, Goodman, Tharinger, Jinkins, Davis, Cody, Appleton, Kloba, Ortiz-Self, Valdez, Frame, Pollet, Stanford, Tarleton and Leavitt)

Protecting patient care.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 1608 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 President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1608.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1608 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Brown, Fortunato, Honeyford, King, Padden, Short and Wilson, L.

Excused: Senators Becker, Ericksen and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608, 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. 2448, by House Committee on Health Care & Wellness (originally sponsored by Schmick, Chambers and Cody)

Concerning enhanced services facilities.

The measure was read the second time.

MOTION

On motion of Senator Wagoner, the rules were suspended, Substitute House Bill No. 2448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2448.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2448 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner,

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Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker, Ericksen and Sheldon

SUBSTITUTE HOUSE BILL NO. 2448, 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. 2640, by Representatives Fey, Kirby, Doglio, Fitzgibbon, Orwall, Gregerson, Valdez, Peterson and Ryu

Clarifying that facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings are not essential public facilities under the growth management act.

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 36.70A.200 and 2013 c 275 s 5 are each amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 (6) or (15) or chapter 10.77 or 71.05 RCW.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to

be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

NEW SECTION. Sec. 2. This act applies retroactively to land use actions imposed prior to January 1, 2018, as well as prospectively.

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

On page 1, line 4 of the title, after "act;" strike the remainder of the title and insert "amending RCW 36.70A.200; creating a new section; and declaring an emergency."

The President 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. 2640.

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. 2640 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 Darneille spoke in favor of passage of the bill.

Senators Short and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2640 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2640 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

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

Voting nay: Senators Braun, Brown, Fortunato, Hawkins, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senators Becker, Ericksen and Sheldon

HOUSE BILL NO. 2640 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. 2614, by House Committee on Labor & Workplace Standards (originally sponsored by Robinson, Doglio, Sells, Lekanoff, Tharinger and Ormsby)

Concerning paid family and medical leave.

The measure was read the second time.

MOTION

On motion of Senator Liias, the senate deferred further consideration of Substitute House Bill No. 2614 and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2613, by House Committee on Labor & Workplace Standards (originally sponsored by Sells and Mosbrucker)

Granting relief of unemployment benefit charges when discharge is required by law and removing outdated statutory language.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2613.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2613 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Becker, Ericksen and Sheldon

SUBSTITUTE HOUSE BILL NO. 2613, 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. 2231, by House Committee on Public Safety (originally sponsored by Pellicciotti, Hudgins, Appleton, Davis, Gregerson, Santos, Frame, Pollet, Fitzgibbon, Thai, Bergquist, Ormsby, Wylie, Pettigrew, Peterson and Riccelli)

Concerning bail jumping.

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:

"**Sec. 1.** RCW 9A.76.170 and 2001 c 264 s 3 are each amended to read as follows:

(1) (~~Any person having been~~) A person is guilty of bail jumping if he or she:

(a) Is released by court order or admitted to bail (~~with knowledge~~), has received written notice of the requirement of a subsequent personal appearance for trial before any court of this state, and fails to appear for trial as required; or

(b)(i) Is held for, charged with, or convicted of a violent offense or sex offense, as those terms are defined in RCW 9.94A.030, is released by court order or admitted to bail, has received written notice of the requirement of a subsequent personal appearance before any court of this state or of the requirement to report to a correctional facility for service of sentence, and (~~who~~) fails to appear or (~~who~~) fails to surrender for service of sentence as required (~~is guilty of bail jumping~~); and

(ii)(A) Within thirty days of the issuance of a warrant for failure to appear or surrender, does not make a motion with the court to quash the warrant, and if a motion is made under this subsection, he or she does not appear before the court with respect to the motion; or

(B) Has had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances (~~in reckless disregard of~~) by negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Bail jumping is:

(a) A class A felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A class B felony if the person was held for, charged with, or convicted of a class A felony other than murder in the first degree;

(c) A class C felony if the person was held for, charged with, or convicted of a class B or class C felony; or

(d) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.76 RCW to read as follows:

(1) A person is guilty of failure to appear or surrender if he or she:

(a) Is released by court order or admitted to bail;

(b) Has received written notice of the requirement of a subsequent personal appearance before any court of this state, or

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of the requirement to report to a correctional facility for service of sentence; and

(c) Fails to appear or fails to surrender for service of sentence as required.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, that the person did not contribute to the creation of such circumstances by negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Failure to appear or surrender is:

(a) A gross misdemeanor if the person was held for, charged with, or convicted of a felony; or

(b) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor."

On page 1, line 1 of the title, after "jumping;" strike the remainder of the title and insert "amending RCW 9A.76.170; adding a new section to chapter 9A.76 RCW; and prescribing penalties."

MOTION

Senator Padden moved that the following floor amendment no. 1242 by Senator Padden be adopted:

On page 2, beginning on line 14, strike all of subsection (1) and insert the following:

"(1)(a) A person is guilty of failure to appear or surrender if he or she is released by court order or admitted to bail, has received written notice of the requirement of a subsequent personal appearance before any court of this state or of the requirement to report to a correctional facility for service of sentence, and fails to appear or fails to surrender for service of sentence as required; and

(b)(i) Within thirty days of the issuance of a warrant for failure to appear or surrender, does not make a motion with the court to quash the warrant, and if a motion is made under this subsection, he or she does not appear before the court with respect to the motion; or

(ii) Has had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted."

Senators Padden and Pedersen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1242 by Senator Padden on page 2, line 14 to the committee striking amendment.

The motion by Senator Padden carried and floor amendment no. 1242 was adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 1243 by Senator Padden be adopted:

On page 2, line 30, after "A" strike "gross misdemeanor" and insert "class C felony"

Senator Padden spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the

adoption of floor amendment no. 1243 by Senator Padden on page 2, line 30 to the committee striking amendment.

The motion by Senator Padden did not carry and floor amendment no. 1243 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice as amended to Engrossed Substitute House Bill No. 2231.

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

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute House Bill No. 2231 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 Pedersen spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2231 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2231 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Darneille, Das, Dhingra, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Conway, Fortunato, Frockt, Hawkins, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Becker, Ericksen and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231 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. 2524, by Representatives Chandler, Blake and Dent

Expanding the scope of agricultural products subject to requirements in chapter 15.83 RCW related to negotiation concerning production or marketing.

The measure was read the second time.

MOTION

Senator Warnick moved that the following committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the

following:

"Sec. 1. RCW 15.83.010 and 1989 c 355 s 2 are each amended to read as follows:

~~(Unless the context clearly requires otherwise, the)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accredited association of producers" means an association of producers which is accredited by the director to be the exclusive negotiation agent for all producer members of the association within a negotiating unit.

(2) "Advance contract" means a contract for purchase and sale of a crop entered into before the crop becomes a growing crop and providing for delivery at or after the harvest of that crop.

(3) "Agricultural products" as used in this chapter means pears, sweet corn, and potatoes produced for sale from farms in this state.

(4) "Association of producers" means any association of producers of agricultural products engaged in marketing, negotiating for its members, shipping, or processing as defined in section 15(a) of the federal agriculture marketing act of 1929 or in section 1 of 42 Stat. 388.

(5) "Director" means the director of the department of agriculture.

(6) "Handler" means a processor or a person engaged in the business or practice of:

(a) Acquiring agricultural products from producers or associations of producers for use by a processor;

(b) Processing agricultural products received from producers or associations of producers, provided that a cooperative association owned by producers shall not be a handler except when contracting for crops from producers who are not members of the cooperative association;

(c) Contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product for use by a processor; or

(d) Acting as an agent or broker for a handler in the performance of any function or act specified in (a), (b), or (c) of this subsection.

(7) "Negotiate" means meeting at reasonable times and for reasonable periods of time commencing at least sixty days before the normal planting date for sweet corn and potatoes, or at least sixty days before the normal harvest date for pears, and concluding within thirty days of the normal planting date for sweet corn and potatoes, or within thirty days of the normal harvest date for pears, to make a serious, fair, and reasonable attempt to reach agreement by acknowledging or refuting with reason points brought up by either party with respect to the price, terms of sale, compensation for products produced under contract, or other terms relating to the production or sale of these products: PROVIDED, That neither party shall be required to disclose proprietary business or financial records or information.

(8) "Negotiating unit" means a negotiating unit approved by the director under RCW 15.83.020.

(9) "Person" means an individual, partnership, corporation, association, or any other entity.

(10) "Processor" means any person that purchases agricultural crops from a producer and cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner for eventual resale. A person who solely cleans, sorts, grades, and packages a farm product for sale without altering the natural condition of the product is not a processor. A person processing any portion of a crop is a processor.

(11) "Producer" means a person engaged in the production of agricultural products as a farmer or planter, including a grower or farmer furnishing inputs, production management, or facilities for

growing or raising agricultural products. A producer who is also a handler shall be considered a handler under this chapter.

(12) "Qualified commodity" means agricultural products as defined in subsection (3) of this section.

Sec. 2. RCW 15.83.020 and 1989 c 355 s 3 are each amended to read as follows:

(1) An association of producers may file an application with the director:

(a) Requesting accreditation to serve as the exclusive negotiating agent on behalf of its producer members who are within a proposed negotiating unit with respect to any qualified commodity;

(b) Describing geographical boundaries of the proposed negotiating unit;

(c) Specifying the number of producers and the quantity of products included within the proposed negotiating unit;

(d) Specifying the number and location of the producers and the quantity of products represented by the association; ~~((and))~~

(e) Agreeing to reimburse the department for all anticipated and uncovered costs incurred by the department for actions necessary to carry out the provisions of this chapter; and

(f) Supplying any other information required by the director.

(2) Within a reasonable time after receiving an application under subsection (1) of this section, the director shall approve or disapprove the application in accordance with this section.

(a) The director shall approve the initial application or renewal if the director determines that:

(i) The association is owned and controlled by producers under the charter documents or bylaws of the association;

(ii) The association has valid and binding contracts with its members empowering the association to sell or negotiate terms of sale of its members' products or to negotiate for compensation for products produced under contract by its members;

(iii) The association represents a sufficient percentage of producers or that its members produce a sufficient percentage of agricultural products to enable it to function as an effective agent for producers in negotiating with a given handler as defined in rules promulgated by the department. In making this finding, the director shall exclude any quantity of the agricultural products contracted by producers with producer-owned and controlled processing cooperatives with its members and any quantity of these products produced by handlers;

(iv) One of the association's functions is to act as principal or agent for its members in negotiations with handlers for prices and other terms of trade with respect to the production, sale, and marketing of the products of its members, or for compensation for products produced by its members under contract; ~~((and))~~

(v) Sufficient resources, including public funds and any funds to be provided by the applicant under reimbursement agreements, will be available to cover department costs for services provided by the department in carrying out the provisions of this chapter, including department costs to defend a decision made by the department under this chapter if such a decision is appealed; and

(vi) Accreditation would not be contrary to the policies established in RCW 15.83.005.

(b) If the director does not approve the application under (a) of this subsection, then the association of producers may file an amended application with the director. The director, within a reasonable time, shall approve the amended application if it meets the requirements set out in (a) of this subsection.

(3) The department shall provide the association an estimate of expenses that may be incurred prior to the department's provision of services.

(4) At the discretion of the director, or upon submission of a timely filed petition by an affected handler or an affected association of producers, the association of producers accredited

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under this section may be required by the director to renew the application for accreditation by providing the information required under subsection (1) of this section.

Sec. 3. RCW 15.83.030 and 1989 c 355 s 4 are each amended to read as follows:

It shall be unlawful for any handler to engage, or permit any employee or agent to engage, in the following practices:

(1) To refuse to negotiate with an association of producers accredited under RCW 15.83.020 with respect to any qualified commodity: PROVIDED, That the obligation to negotiate does not require either party to agree to a proposal, to make a concession, or to enter into a contract;

(2) To coerce any producer in the exercise of his or her right to contract with, join, refrain from contracting with or joining, belong to an association of producers, or refuse to deal with any producer because of the exercise of that producer's right to contract with, join, or belong to an association or because of that producer's promotion of legislation on behalf of an association of producers;

(3) To discriminate against any producer with respect to price, quantity, quality, or other terms of purchase, acquisition, or other handling of agricultural products because of that producer's membership in or contract with an association of producers or because of that producer's promotion of legislation on behalf of an association of producers;

(4) To coerce or intimidate any producer to enter into, maintain, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers or a contract with a handler;

(5) To pay or loan money, give anything of value, or offer any other inducement or reward to a producer for refusing or ceasing to belong to an association of producers;

(6) To make knowingly false reports about the finances, management, or activities of associations of producers or handlers; ~~((or))~~

(7) To conspire, agree, or arrange with any other person to do, aid, or abet any act made unlawful by this chapter; or

(8) To refuse, in the event that an acceptable price cannot be agreed to between a producer and a processor, to meet with a mutually agreed upon third-party mediator to resolve the price dispute. Any fees associated with the third-party mediation must be borne by the producer."

On page 1, line 3 of the title, after "marketing;" strike the remainder of the title and insert "and amending RCW 15.83.010, 15.83.020, and 15.83.030."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to House Bill No. 2524.

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

MOTION

On motion of Senator Warnick, the rules were suspended, House Bill No. 2524 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 Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2524 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2524 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 Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker, Ericksen and Sheldon

HOUSE BILL NO. 2524 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Senate Bill No. 6515 which had been deferred on a previous legislative day, February 17, 2020.

SECOND READING

SENATE BILL NO. 6515, by Senators Van De Wege, Randall, Mullet, Takko, Lovelett, Liias, Conway, Hasegawa, and Wilson, C.

Adjusting the medicaid payment methodology for skilled nursing facilities.

On motion of Senator O'Ban and without objection, the motion by Senator O'Ban that Second Substitute Senate Bill No. 6515 be not substituted for Senate Bill No. 6515 and the substitute bill be not read the second time was withdrawn.

MOTION

On motion of Senator Van De Wege, Second Substitute Senate Bill No. 6515 was substituted for Senate Bill No. 6515 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Van De Wege moved that the following striking floor amendment no. 1234 by Senators O'Ban and Van De Wege be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.51.091 and 1987 c 476 s 24 are each amended to read as follows:

The department shall ~~((make or cause to be made at least one inspection of))~~ inspect each nursing home ~~((prior to license renewal and shall inspect community based services as part of the licensing renewal survey))~~ periodically in accordance with federal standards under 42 C.F.R. Part 488, Subpart E. The inspection shall be made without providing advance notice of it. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and

distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given to the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Sec. 2. RCW 18.51.230 and 1981 2nd ex.s. c 11 s 4 are each amended to read as follows:

The department shall, in addition to any inspections conducted pursuant to complaints filed pursuant to RCW 18.51.190, conduct ~~((at least one general inspection prior to license renewal of all nursing homes in the state without providing advance notice of such inspection. Periodically, such inspection shall take place in part between the hours of 7 p.m. and 5 a.m. or on weekends))~~ a periodic general inspection of each nursing home in the state without providing advance notice of such inspection. Such inspections must conform to the federal standards for surveys under 42 C.F.R. Part 488, Subpart E.

Sec. 3. RCW 74.42.360 and 2019 c 12 s 2 are each amended to read as follows:

(1) The facility shall have staff on duty twenty-four hours daily sufficient in number and qualifications to carry out the provisions of RCW 74.42.010 through 74.42.570 and the policies, responsibilities, and programs of the facility.

(2) The department shall institute minimum staffing standards for nursing homes. Beginning July 1, 2016, facilities must provide a minimum of 3.4 hours per resident day of direct care. Direct care staff has the same meaning as defined in RCW 74.42.010. The minimum staffing standard includes the time when such staff are providing hands-on care related to activities of daily living and nursing-related tasks, as well as care planning. The legislature intends to increase the minimum staffing standard to 4.1 hours per resident day of direct care, but the effective date of a standard higher than 3.4 hours per resident day of direct care will be identified if and only if funding is provided explicitly for an increase of the minimum staffing standard for direct care.

(a) The department shall establish in rule a system of compliance of minimum direct care staffing standards by January 1, 2016. Oversight must be done at least quarterly using the centers for medicare and medicaid services' payroll-based journal and nursing home facility census and payroll data.

(b) The department shall establish in rule by January 1, 2016, a system of financial penalties for facilities out of compliance with minimum staffing standards. No monetary penalty may be issued during the implementation period of July 1, 2016, through September 30, 2016. If a facility is found noncompliant during the implementation period, the department shall provide a written notice identifying the staffing deficiency and require the facility to provide a sufficiently detailed correction plan to meet the statutory minimum staffing levels. Monetary penalties begin October 1, 2016. Monetary penalties must be established based on a formula that calculates the cost of wages and benefits for the missing staff hours. If a facility meets the requirements in subsection (3) or (4) of this section, the penalty amount must be based solely on the wages and benefits of certified nurse aides. The first monetary penalty for noncompliance must be at a lower

amount than subsequent findings of noncompliance. Monetary penalties established by the department may not exceed two hundred percent of the wage and benefit costs that would have otherwise been expended to achieve the required staffing minimum hours per resident day for the quarter. A facility found out of compliance must be assessed a monetary penalty at the lowest penalty level if the facility has met or exceeded the requirements in subsection (2) of this section for three or more consecutive years. Beginning July 1, 2016, pursuant to rules established by the department, funds that are received from financial penalties must be used for technical assistance, specialized training, or an increase to the quality enhancement established in RCW 74.46.561.

(c) The department shall establish in rule an exception allowing geriatric behavioral health workers as defined in RCW 74.42.010 to be recognized in the minimum staffing requirements as part of the direct care service delivery to individuals who have a behavioral health condition. Hours worked by geriatric behavioral health workers may be recognized as direct care hours for purposes of the minimum staffing requirements only up to a portion of the total hours equal to the proportion of resident days of clients with a behavioral health condition identified at that facility on the most recent semiannual minimum data set. In order to qualify for the exception:

(i) The worker must:

(A) Have a bachelor's or master's degree in social work, behavioral health, or other related areas; or

(B) Have at least three years experience providing care for individuals with chronic mental health issues, dementia, or intellectual and developmental disabilities in a long-term care or behavioral health care setting; or

(C) Have successfully completed a facility-based behavioral health curriculum approved by the department under RCW 74.39A.078;

(ii) Any geriatric behavioral health worker holding less than a master's degree in social work must be directly supervised by an employee who has a master's degree in social work or a registered nurse.

(d)(i) The department shall establish a limited exception to the 3.4 hours per resident day staffing requirement for facilities demonstrating a good faith effort to hire and retain staff.

(ii) To determine initial facility eligibility for exception consideration, the department shall send surveys to facilities anticipated to be below, at, or slightly above the 3.4 hours per resident day requirement. These surveys must measure the hours per resident day in a manner as similar as possible to the centers for medicare and medicaid services' payroll-based journal and cover the staffing of a facility from October through December of 2015, January through March of 2016, and April through June of 2016. A facility must be below the 3.4 staffing standard on all three surveys to be eligible for exception consideration. If the staffing hours per resident day for a facility declines from any quarter to another during the survey period, the facility must provide sufficient information to the department to allow the department to determine if the staffing decrease was deliberate or a result of neglect, which is the lack of evidence demonstrating the facility's efforts to maintain or improve its staffing ratio. The burden of proof is on the facility and the determination of whether or not the decrease was deliberate or due to neglect is entirely at the discretion of the department. If the department determines a facility's decline was deliberate or due to neglect, that facility is not eligible for an exception consideration.

(iii) To determine eligibility for exception approval, the department shall review the plan of correction submitted by the facility. Before a facility's exception may be renewed, the department must determine that sufficient progress is being made

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towards reaching the 3.4 hours per resident day staffing requirement. When reviewing whether to grant or renew an exception, the department must consider factors including but not limited to: Financial incentives offered by the facilities such as recruitment bonuses and other incentives; the robustness of the recruitment process; county employment data; specific steps the facility has undertaken to improve retention; improvements in the staffing ratio compared to the baseline established in the surveys and whether this trend is continuing; and compliance with the process of submitting staffing data, adherence to the plan of correction, and any progress toward meeting this plan, as determined by the department.

(iv) Only facilities that have their direct care component rate increase capped according to RCW 74.46.561 are eligible for exception consideration. Facilities that will have their direct care component rate increase capped for one or two years are eligible for exception consideration through June 30, 2017. Facilities that will have their direct care component rate increase capped for three years are eligible for exception consideration through June 30, 2018.

(v) The department may not grant or renew a facility's exception if the facility meets the 3.4 hours per resident day staffing requirement and subsequently drops below the 3.4 hours per resident day staffing requirement.

(vi) The department may grant exceptions for a six-month period per exception. The department's authority to grant exceptions to the 3.4 hours per resident day staffing requirement expires June 30, 2018.

(3)(a) Large nonessential community providers must have a registered nurse on duty directly supervising resident care twenty-four hours per day, seven days per week.

(b)(i) The department shall establish a limited exception process ~~((to facilities))~~ for large nonessential community providers that can demonstrate a good faith effort to hire a registered nurse for the last eight hours of required coverage per day. In granting an exception, the department may consider the competitiveness of the wages and benefits offered as compared to nursing facilities in comparable geographic or metropolitan areas within Washington state, the provider's recruitment and retention efforts, and the availability of registered nurses in the particular geographic area. A one-year exception may be granted and may be renewable ~~((for up to three consecutive years))~~; however, the department may limit the admission of new residents, based on medical conditions or complexities, when a registered nurse is not on-site and readily available. If a ~~((facility))~~ large nonessential community provider receives an ~~((exemption))~~ exception, that information must be included in the department's nursing home locator. ~~((After June 30, 2019))~~

(ii) By August 1, 2023, and every three years thereafter, the department, along with a stakeholder work group established by the department, shall conduct a review of the exceptions process to determine if it is still necessary. As part of this review, the department shall provide the legislature with a report that includes enforcement and citation data for large nonessential community providers that were granted an exception in the three previous fiscal years in comparison to those without an exception. The report must include a similar comparison of data, provided to the department by the long-term care ombuds, on long-term care ombuds referrals for large nonessential community providers that were granted an exception in the three previous fiscal years and those without an exception. This report, along with a recommendation as to whether the exceptions process should continue, is due to the legislature by December 1st of each year in which a review is conducted. Based on the recommendations outlined in this report, the legislature may take action to end the

exceptions process.

(4) Essential community providers and small nonessential community providers must have a registered nurse on duty directly supervising resident care a minimum of sixteen hours per day, seven days per week, and a registered nurse or a licensed practical nurse on duty directly supervising resident care the remaining eight hours per day, seven days per week.

(5) For the purposes of this section, "behavioral health condition" means one or more of the behavioral symptoms specified in section E of the minimum data set.

Sec. 4. RCW 74.46.561 and 2019 c 301 s 1 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but shall be set so that a nursing home provider's direct care rate does not exceed one hundred eighteen percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using county wide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMMeans rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half

percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMean construction index value per square foot. The department may use updated RSMean construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMean" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents

with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the centers for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a

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manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

~~(8)(a) The direct care and indirect care components must be rebased ((in even numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation)) effective May 1, 2020, or the month following the effective date of this section, whichever comes last, through June 30, 2020, using 2018 calendar year cost report information.~~

~~(b) Beginning July 1, 2020, the direct care and indirect care components must be rebased annually. Rates paid shall be established using the most recent adjusted cost report information available. The most recent adjusted cost report information shall be the base year costs.~~

~~(c) Beginning July 1, 2020, and annually through June 30, 2023, the department shall modify the direct and indirect care rebased components from the midpoint of the base year to the beginning of the rate year using the most recent calendar year twelve-month average consumer price index for all urban consumers (CPI-U) in the medical expenditure category of nursing homes and adult day services as published by the United States bureau of labor statistics.~~

~~(d) Beginning July 1, 2020, the indirect care inflationary rate increase from (c) of this subsection (8) shall be distributed according to the facility's number of outpatient emergency department visits per one thousand long-stay resident days using the centers for medicare and medicaid services' five-star quality rating data as the source of measurement.~~

~~(i) Facility performance must be evaluated on two metrics:~~

~~(A) Performance compared to national benchmarks determined as follows:~~

~~(I) A national score of one hundred thirty-five or greater equates to a performance percentage of one hundred twenty-five percent;~~

~~(II) A national score of one hundred five or one hundred twenty equates to a performance percentage of one hundred percent;~~

~~(III) A national score of seventy-five or ninety equates to a performance percentage of eighty percent;~~

~~(IV) A national score of sixty or below equates to a performance percentage of sixty percent; and~~

~~(B) Year-over-year improvement determined as follows:~~

~~(I) An improvement of up to nine percent over the previous~~

~~year's score equates to an improvement percentage of sixty percent;~~

~~(II) An improvement of greater than nine percent and less than fifteen percent over the previous year's score equates to an improvement percentage of eighty percent; and~~

~~(III) An improvement of fifteen percent or greater over the previous year's score equates to an improvement percentage of one hundred percent.~~

~~(ii) Facilities must be placed in one of four tiers based on the average of the performance and improvement percentages. The rate increases must be distributed among the four tiers as follows:~~

~~(A) Tier one must include an average percentage that is greater than or equal to one hundred percent and qualifies for up to one hundred twenty-five percent of the available rate increase;~~

~~(B) Tier two must include an average percentage that is greater than or equal to ninety percent but less than one hundred percent and qualifies for up to one hundred percent of the available rate increase. Facilities with data deemed insufficient by the centers for medicare and medicaid services must be included in tier two;~~

~~(C) Tier three must include an average percentage that is greater than or equal to eighty but less than ninety percent and qualifies for up to eighty percent of the available rate increase; and~~

~~(D) Tier four must include an average percentage that is less than eighty percent and qualifies for up to sixty percent of the available rate increase.~~

~~(e) Any savings generated from (d) of this subsection (8) must be applied to the quality incentive identified in subsection (6) of this section.~~

~~(f) The department may adjust the outpatient emergency department visits performance measure in (d) of this subsection (8) to ensure budget neutrality.~~

~~(g) Beginning July 1, 2023, a facility specific rate add-on equal to the inflationary adjustment that the facility received for the direct care component in fiscal year 2023 shall be added to the rate.~~

~~(h) Beginning July 1, 2023, the funding provided for the inflationary adjustment for the indirect care component from (c) of this subsection (8) must be annually redistributed as specified in (d) of this subsection (8).~~

~~(i) The department shall review the calendar year cost reports from 2018 through 2021 and compare medicaid allowable costs in direct care and indirect care to rates paid to determine the impacts of annual inflationary adjustments. Based on its findings, the department shall make recommendations for ongoing inflation to the legislature. This report is due to appropriate committees of the legislature by December 1, 2022.~~

~~(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.~~

~~(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase~~

for facilities in fiscal years 2017, 2018, and 2019.

NEW SECTION. Sec. 5. A new section is added to chapter 74.46 RCW to read as follows:

The department, in consultation with the health care authority and stakeholders, shall review the impact of the distribution of the inflationary adjustment for the indirect care component and report its findings and recommendations to the appropriate committees of the legislature by December 1, 2021. To the extent practicable, the department's report must include a comparative analysis of the following metrics before and after the effective date of this section:

(1) Skilled nursing facility residents' emergency department visits;

(2) Case mix acuity;

(3) The number of long-term services and supports medicaid clients that are being served in nursing homes; and

(4) The number of licensed nursing homes and the number of licensed beds.

NEW SECTION. Sec. 6. Any savings as a result of overappropriations associated with the rebase for fiscal year 2021 shall be utilized for the purposes of this act.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 18.51.091, 18.51.230, 74.42.360, and 74.46.561; adding a new section to chapter 74.46 RCW; creating a new section; and declaring an emergency."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1234 by Senators O'Ban and Van De Wege to Second Substitute Senate Bill No. 6515.

The motion by Senator Van De Wege carried and striking floor amendment no. 1234 was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, O'Ban and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6515.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6515 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Becker, Ericksen and Sheldon

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.

6515, 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 2:51 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Warnick announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

EVENING SESSION

The Senate was called to order at 5:37 p.m. by President Habib.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Nguyen moved that Jerome O. Cohen, Senate Gubernatorial Appointment No. 9171, be confirmed as a member of the Higher Education Facilities Authority.

Senator Nguyen spoke in favor of the motion.

APPOINTMENT OF JEROME O. COHEN

The President declared the question before the Senate to be the confirmation of Jerome O. Cohen, Senate Gubernatorial Appointment No. 9171, as a member of the Higher Education Facilities Authority.

The Secretary called the roll on the confirmation of Jerome O. Cohen, Senate Gubernatorial Appointment No. 9171, as a member of the Higher Education Facilities Authority and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Becker and Sheldon

Jerome O. Cohen, Senate Gubernatorial Appointment No. 9171, having received the constitutional majority was declared confirmed as a member of the Higher Education Facilities Authority.

MOTION

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

ENGROSSED HOUSE BILL NO. 2965, by Representatives Cody, Schmick, Riccelli, Bergquist, Callan, Dufault, Hudgins, Leavitt, Shewmake, Tharinger, Maycumber, Ramos, Ortiz-Self and Stonier

Concerning the state's response to the novel coronavirus.

The measure was read the second time.

MOTION

Senator Billig moved that the following floor amendment no. 1259 by Senators Billig and Braun be adopted:

On page 1, line 15, after "account" insert "and the sum of twenty five million dollars is appropriated from the general fund-federal"

On page 1, line 17, strike "is" and insert "are"

On page 2, line 1, strike "appropriation" and insert "appropriations"

On page 2, line 2, strike "is" and insert "are"

On page 2, line 7, after "state," insert "tribal,"

On page 2, line 9, after "Agencies" insert ", federally recognized tribes,"

On page 2, line 12, after "agency" insert ", federally recognized tribe,"

On page 2, line 14, after "agency" insert ", federally recognized tribe,"

Senators Billig and Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1259 by Senators Billig and Braun on page 1, line 15 to Engrossed House Bill No. 2965.

The motion by Senator Billig carried and floor amendment no. 1259 was adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1258 by Senators Braun and Billig be adopted:

On page 3, beginning on line 5, strike all of section 4 and insert the following:

NEW SECTION. Sec. 4. (1) The department of social and health services is authorized to determine nursing facility payments to adequately resource facilities responding to the novel coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020. The medicaid payments provided to nursing facilities in response to this state of emergency shall be determined by the department as appropriate to address the immediate safety needs of Washington state citizens and shall not be subject to this chapter's medicaid methodology. Any nursing facility payment made under this section shall not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) This section expires June 30, 2021.

Sec. 5. RCW 50.20.010 and 2019 c 50 s 1 are each amended to read as follows:

(1) An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(a) He or she has registered for work at, and thereafter has

continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(b) He or she has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(c) He or she is able to work, and is available for work in any trade, occupation, profession, or business for which he or she is reasonably fitted.

(i) To be available for work, an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents. If a labor agreement or dispatch rules apply, customary trade practices must be in accordance with the applicable agreement or rules.

(ii) Until June 30, 2021, an individual under quarantine or isolation, as defined by the department of health, as directed by a public health official during the novel coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020, does not need to meet the requirements of this subsection (1)(c).

(iii) For the purposes of this subsection, "customary trade practices" includes compliance with an electrical apprenticeship training program that includes a recognized referral system under apprenticeship program standards approved by the Washington state apprenticeship and training council;

(d) He or she has been unemployed for a waiting period of one week;

(e) He or she participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under RCW 50.20.011, unless the commissioner determines that:

(i) The individual has completed such services; or

(ii) There is justifiable cause for the claimant's failure to participate in such services; and

(f) As to weeks beginning after March 31, 1981, which fall within an extended benefit period as defined in RCW 50.22.010, the individual meets the terms and conditions of RCW 50.22.020 with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

(2) An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

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

On page 1, line 2 of the title, after "38.52.105" strike "; adding a new section to chapter 74.46 RCW;" and insert "and 50.20.010; creating new sections;" and on line 3, after "appropriations;" insert "providing an expiration date;"

Senators Braun and Billig spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1258 by Senators Braun and Billig on page 3, line 5 to Engrossed House Bill No. 2965.

The motion by Senator Braun carried and floor amendment no. 1258 was adopted by voice vote.

MOTION

On motion of Senator Billig, the rules were suspended, Engrossed House Bill No. 2965 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 Billig, Schoesler, Cleveland and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2965 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2965 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 Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

ENGROSSED HOUSE BILL NO. 2965 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.

MOMENT OF SILENCE

At the request of the President, the senate rose and observed a moment of silence in memory of the ten persons who have lost their lives due to the coronavirus this week alone.

EDITOR'S NOTE: On February 29, 2020, Governor Jay Inslee issued Proclamation 20-05, proclaiming a state of emergency for all counties as a result of the coronavirus disease 2019 (COVID-19) outbreak and confirmed person-to-person spread of COVID-19 in Washington State.

PERSONAL PRIVILEGE

Senator Rivers: "Thank you Mr. President. I would just also request that we keep in our hearts and prayers the seventy-four people who have lost their lives to the flu this flu season. Thank you."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2417, by House Committee on Public Safety (originally sponsored by Davis and Peterson)

Concerning individuals serving community custody terms.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator O'Ban and without objection, floor amendment no. 1232 by Senator O'Ban on page 1, line 4 to Substitute House Bill No. 2417 was withdrawn.

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2417.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2417 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Walsh, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Conway, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Takko, Van De Wege, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

SUBSTITUTE HOUSE BILL NO. 2417, 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. 2295, by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Griffey, Irwin and Wylie)

Concerning enforcement of small claims court judgments.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2295 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 declared the question before the Senate to be the final passage of Substitute House Bill No. 2295.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2295 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Becker and Sheldon

SUBSTITUTE HOUSE BILL NO. 2295, 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. 2315, by Representatives Orwall, Fitzgibbon and Pellicciotti

Installing, repairing, replacing, and updating mitigation equipment installed within an impacted area.

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 53.54.030 and 1993 c 150 s 1 are each amended to read as follows:

For the purposes of this chapter, in developing a remedial program, the port commission may utilize one or more of the following programs:

(1) Acquisition of property or property rights within the impacted area, which shall be deemed necessary to accomplish a port purpose. The port district may purchase such property or property rights by time payment notwithstanding the time limitations provided for in RCW 53.08.010. The port district may mortgage or otherwise pledge any such properties acquired to secure such transactions. The port district may assume any outstanding mortgages.

(2) Transaction assistance programs, including assistance with real estate fees and mortgage assistance, and other neighborhood remedial programs as compensation for impacts due to aircraft noise and noise associated conditions. Any such programs shall be in connection with properties located within an impacted area and shall be provided upon terms and conditions as the port district shall determine appropriate.

(3) Programs of soundproofing structures located within an impacted area. Such programs may be executed without regard to the ownership, provided the owner waives damages and conveys an easement for the operation of aircraft, and for noise and noise

associated conditions therewith, to the port district.

(4) Mortgage insurance of private owners of lands or improvements within such noise impacted area where such private owners are unable to obtain mortgage insurance solely because of noise impact. In this regard, the port district may establish reasonable regulations and may impose reasonable conditions and charges upon the granting of such mortgage insurance: PROVIDED, That such fees and charges shall at no time exceed fees established for federal mortgage insurance programs for like service.

(5)(a) An individual property may be provided benefits by the port district under each of the programs described in subsections (1) through (4) of this section. However, an individual property may not be provided benefits under any one of these programs more than once, unless the property ((§));

(i) Is subjected to increased aircraft noise or differing aircraft noise impacts that would have afforded different levels of mitigation, even if the property owner had waived all damages and conveyed a full and unrestricted easement; or

(ii) Contains a soundproofing installation, structure, or other type of sound mitigation equipment product or benefit previously installed pursuant to the remedial program under this chapter by the port district that is determined through inspection to be in need of a repair or replacement.

(b) Port districts choosing to exercise the authority under (a)(ii) of this subsection are required to conduct inspections of homes where mitigation improvements are no longer working as intended. In those properties, port districts must work with a state certified building inspector to determine whether package failure resulted in additional hazards or structural damage to the property.

(6) Management of all lands, easements, or development rights acquired, including but not limited to the following:

(a) Rental of any or all lands or structures acquired;

(b) Redevelopment of any such lands for any economic use consistent with airport operations, local zoning and the state environmental policy;

(c) Sale of such properties for cash or for time payment and subjection of such property to mortgage or other security transaction: PROVIDED, That any such sale shall reserve to the port district by covenant an unconditional right of easement for the operation of all aircraft and for all noise or noise conditions associated therewith.

(7) A property shall be considered within the impacted area if any part thereof is within the impacted area."

On page 1, line 2 of the title, after "area;" strike the remainder of the title and insert "and amending RCW 53.54.030."

The President 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. 2315.

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. 2315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2315.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2315 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Becker and Sheldon

HOUSE BILL NO. 2315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Habib: "Ladies and Gentlemen, if I could have the Senate's attention. If I could have the senators come on to the floor for a special announcement. Senator Muzzall, if you could please stand. Ladies and Gentlemen, we have a birthday and I know we have had a lot of tough news this week and today, but we have a new senator who is spending his birthday in the best possible way, I think he possibly could, with his new friends here in the Washington State Senate. Give him a round of applause, our birthday boy."

The Senate rose and recognized the anniversary of the birth of Senator Muzzall, performing a rendition of "Happy Birthday."

PERSONAL PRIVILEGE

Senator Muzzall: "Thank you all very much. The best birthday gift today was that my bill passed through the House, so, that's good. The second one would be that we just passed another bill by Representative Orwall who . . . she and I went to high school together."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2483, by House Committee on Public Safety (originally sponsored by Van Werven, Goodman and Ormsby)

Clarifying vehicle impoundment and redemption following arrest for driving or being in physical control of a vehicle while under the influence of alcohol or drugs.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 2483 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2483.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2483 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Becker and Sheldon

SUBSTITUTE HOUSE BILL NO. 2483, 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. 2525, by House Committee on Human Services & Early Learning (originally sponsored by Callan, Corry, Eslick, Springer, Orwall, Ortiz-Self, Shewmake, Goodman, Senn, Caldier, Dent, Leavitt, Davis, Doglio, J. Johnson and Pollet)

Establishing the family connections program.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2525 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 declared the question before the Senate to be the final passage of Substitute House Bill No. 2525.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2525 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Becker and Sheldon

SUBSTITUTE HOUSE BILL NO. 2525, 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. 2619, by Representatives Shewmake,

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Chapman, Ramel, Springer, Van Werven, Senn, Doglio,
Goodman and Tharinger

ROLL CALL

Increasing early learning access through licensing, eligibility,
and rate improvements.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended,
House Bill No. 2619 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 declared the question before the Senate to be the
final passage of House Bill No. 2619.

ROLL CALL

The Secretary called the roll on the final passage of House Bill
No. 2619 and the bill passed the Senate by the following vote:
Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Becker and Sheldon

HOUSE BILL NO. 2619, 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. 1651, by House
Committee on Human Services & Early Learning (originally
sponsored by Kilduff, Dent, Lovick, Eslick, Senn, Leavitt, Macri,
Callan, Cody, Tarleton, Ortiz-Self, Goodman, Jinkins, Frame,
Bergquist and Santos)

Concerning the rights of clients of the developmental
disabilities administration of the department of social and health
services. Revised for 2nd Substitute: Identifying rights of persons
receiving state developmental disability services.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended,
Second Substitute House Bill No. 1651 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 President declared the question before the Senate to be the
final passage of Second Substitute House Bill No. 1651.

The Secretary called the roll on the final passage of Second
Substitute House Bill No. 1651 and the bill passed the Senate by
the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Becker and Sheldon

SECOND SUBSTITUTE HOUSE BILL NO. 1651, 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 6:40 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 a dinner break.

The Senate was called to order at 7:45 p.m. by President Habib.

MOTION

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Mark Mattke, Senate Gubernatorial
Appointment No. 9202, be confirmed as a member of the
Workforce Training and Education Coordinating Board.

Senator Padden spoke in favor of the motion.

APPOINTMENT OF MARK MATTKE

The President declared the question before the Senate to be the
confirmation of Mark Mattke, Senate Gubernatorial Appointment
No. 9202, as a member of the Workforce Training and Education
Coordinating Board.

The Secretary called the roll on the confirmation of Mark
Mattke, Senate Gubernatorial Appointment No. 9202, as a
member of the Workforce Training and Education Coordinating
Board and the appointment was confirmed by the following vote:
Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

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

Absent: Senators Ericksen and Pedersen
Excused: Senators Becker and Sheldon

Mark Matke, Senate Gubernatorial Appointment No. 9202, having received the constitutional majority was declared confirmed as a member of the Workforce Training and Education Coordinating Board.

MOTION

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

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2066, by House Committee on Transportation (originally sponsored by Davis, Pellicciotti, Goodman, Appleton, Sutherland, Graham, Klippert, Leavitt and Pollet)

Addressing restrictions on driver's licenses associated with certain criminal offenses.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, Second Substitute House Bill No. 2066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2066.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2066 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Becker and Sheldon

SECOND SUBSTITUTE HOUSE BILL NO. 2066, 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. 2783, by House Committee on Local Government (originally sponsored by Griffey, Springer and Walen)

Standardizing fire safety requirements for mobile on-demand gasoline providers.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute House Bill No. 2783 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2783.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2783 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Becker and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2783, 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. 1023, by House Committee on Health Care & Wellness (originally sponsored by Macri, Harris, Cody, MacEwen, Pollet, DeBolt, Springer, Kretz, Appleton, Caldier, Slatter, Vick, Stanford, Fitzgibbon, Riccelli, Robinson, Kloba, Valdez, Ryu, Tharinger, Jinkins, Wylie, Goodman, Bergquist, Doglio, Chambers, Senn, Ortiz-Self, Stonier, Frame, Ormsby and Reeves)

Allowing certain adult family homes to increase capacity to eight beds.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following floor amendment no. 1216 by Senator O'Ban be adopted:

On page 3, line 12, after "evacuation;" strike "and"

On page 3, line 13, after "(g)" insert "The home attests to not serving individuals who have been judicially determined to meet the definition of sexually violent predator under RCW 71.09.020 or individuals for whom the court has made an affirmative special finding under RCW 71.05.280(3)(b); and (h)"

On page 3, line 24, after "application;" strike "and"

On page 3, line 25, after "(c)" insert "The home attests to not serving individuals who have been judicially determined to meet the definition of sexually violent predator under RCW 71.09.020 or individuals for whom the court has made an affirmative special finding under RCW 71.05.280(3)(b); and

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(d)"

Senator O'Ban spoke in favor of adoption of the amendment.
 Senator Cleveland spoke against adoption of the amendment.
 Senator O'Ban demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator O'Ban on page 3, line 12 to Engrossed Substitute House Bill No. 1023.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator O'Ban and the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Senators Braun, Brown, Conway, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman and Wilson, C.

Excused: Senators Becker and Sheldon.

MOTION

Senator O'Ban moved that the following floor amendment no. 1217 by Senator O'Ban be adopted:

On page 3, line 31, after "capacity" insert ", and allow the local jurisdiction to provide any recommendations to the department as to whether or not the department should approve the applicant's request to increase its bed capacity to seven or eight beds"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1217 by Senator O'Ban on page 3, line 31 to Engrossed Substitute House Bill No. 1023.

The motion by Senator O'Ban carried and floor amendment no. 1217 was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 1023 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 Cleveland spoke in favor of passage of the bill.

Senator O'Ban spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1023 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1023 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland,

Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Ericksen, Fortunato, Honeyford, O'Ban, Warnick and Zeiger

Excused: Senators Becker and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023 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. 2794, by House Committee on Human Services & Early Learning (originally sponsored by Frame, Davis, Peterson, Lekanoff, Pollet and Santos)

Concerning juvenile record sealing.

The measure was read the second time.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.50.260 and 2015 c 265 s 3 are each amended to read as follows:

(1)(a) The court shall hold regular sealing hearings. During these regular sealing hearings, the court shall administratively seal an individual's juvenile record pursuant to the requirements of this subsection (~~unless the court receives an objection to sealing or the court notes a compelling reason not to seal, in which case, the court shall set a contested hearing to be conducted on the record to address sealing~~). Although the juvenile record shall be sealed, the social file may be available to any juvenile justice or care agency when an investigation or case involving the juvenile subject of the records is being prosecuted by the juvenile justice or care agency or when the juvenile justice or care agency is assigned the responsibility of supervising the juvenile. (~~The contested hearing shall be set no sooner than eighteen days after notice of the hearing and the opportunity to object has been sent to the juvenile, the victim, and juvenile's attorney.~~) The juvenile respondent's presence is not required at ((~~the~~ **any administrative sealing hearing** (~~pursuant to this subsection~~)).

(b) At the disposition hearing of a juvenile offender, the court shall schedule an administrative sealing hearing to take place during the first regularly scheduled sealing hearing after the latest of the following events that apply:

(i) The respondent's eighteenth birthday;

(ii) Anticipated (~~completion~~) **end date** of a respondent's probation, if ordered;

(iii) Anticipated release from confinement at the juvenile rehabilitation administration, or the completion of parole, if the respondent is transferred to the juvenile rehabilitation administration.

(c) (~~A court shall enter a written order sealing an individual's juvenile court record pursuant to this subsection if:~~

~~(4))~~ The court shall not schedule an administrative sealing hearing at the disposition and no administrative sealing hearing shall occur if one of the offenses for which the court has entered a disposition is ~~((not))~~ at the time of commission of the offense:

~~((A))~~ (i) A most serious offense, as defined in RCW 9.94A.030;

~~((B))~~ (ii) A sex offense under chapter 9A.44 RCW; or

~~((C))~~ (iii) A drug offense, as defined in RCW 9.94A.030(~~;~~ and).

~~((4))~~ (d) At the time of the scheduled administrative sealing hearing, the court shall enter a written order sealing the respondent's juvenile court record pursuant to this subsection if the court finds by a preponderance of the evidence that the respondent ~~((has completed the terms and conditions of disposition, including affirmative conditions))~~ is no longer on supervision for the case being considered for sealing and has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any ~~((insurance provider authorized under Title 48 RCW))~~ public or private entity providing insurance coverage or health care coverage. In determining whether the respondent is on supervision or owes restitution, the court shall take judicial notice of court records, including records of the county clerk, and, if necessary, sworn testimony from a representative of the juvenile department.

~~((d))~~ Following a contested sealing hearing on the record after an objection is made pursuant to (a) of this subsection, the court shall enter a written order sealing the juvenile court record unless the court determines that sealing is not appropriate. ~~((e))~~ At the time of the administrative sealing hearing, if the court finds the respondent remains on supervision for the case being considered for sealing, then the court shall continue the administrative sealing hearing to a date within thirty days following the anticipated end date of the respondent's supervision. At the next administrative sealing hearing, the court shall again determine the respondent's eligibility for sealing his or her juvenile court record pursuant to (d) of this subsection, and, if necessary, continue the hearing again as provided in this subsection.

~~((f))~~ (i) During the administrative sealing hearing, if the court finds the respondent is no longer on supervision for the case being considered for sealing, but the respondent has not paid the full amount of restitution owing to the individual victim named in the restitution order, excluding any public or private entity providing insurance coverage or health care coverage, the court shall deny sealing the juvenile court record in a written order that: (A) Specifies the amount of restitution that remains unpaid to the original victim, excluding any public or private entity providing insurance coverage or health care coverage; and (B) provides direction to the respondent on how to pursue the sealing of records associated with this cause of action.

(ii) Within five business days of the entry of the written order denying the request to seal a juvenile court record, the juvenile court department staff shall notify the respondent of the denial by providing a copy of the order of denial to the respondent in person or in writing mailed to the respondent's last known address in the department of licensing database or the respondent's address provided to the court, whichever is more recent.

(iii) At any time following entry of the written order denying the request to seal a juvenile court record, the respondent may contact the juvenile court department, provide proof of payment of the remaining unpaid restitution to the original victim, excluding any public or private entity providing insurance coverage or health care coverage, and request an administrative sealing hearing. Upon verification of the satisfaction of the restitution payment, the juvenile court department staff shall circulate for signature an order sealing the file, and file the signed

order with the clerk's office, who shall seal the record.

(iv) The administrative office of the courts must ensure that sealed juvenile records remain private in case of an appeal and are either not posted or redacted from any clerks papers that are posted online with the appellate record, as well as taking any other prudent steps necessary to avoid exposing sealed juvenile records to the public.

(2) Except for dismissal of a deferred disposition under RCW 13.40.127, the court shall enter a written order immediately sealing the official juvenile court record upon the acquittal after a fact finding or upon the dismissal of charges with prejudice, subject to the state's right, if any, to appeal the dismissal.

(3) If a juvenile court record has not already been sealed pursuant to this section, in any case in which information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any(~~;~~); resolve the status of any debts owing; and, subject to RCW 13.50.050(13), order the sealing of the official juvenile court record, the social file, and records of the court and of any other agency in the case, with the exception of identifying information under RCW 13.50.050(13).

(4)(a) The court shall grant any motion to seal records for class A offenses made pursuant to subsection (3) of this section if:

(i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense;

(v) The person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion; and

(vi) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any ~~((insurance provider authorized under Title 48 RCW))~~ public or private entity providing insurance coverage or health care coverage.

(b) The court shall grant any motion to seal records for class B, class C, gross misdemeanor, and misdemeanor offenses and diversions made under subsection (3) of this section if:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and

(v) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

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(c) Notwithstanding the requirements in (a) or (b) of this subsection, the court shall grant any motion to seal records of any deferred disposition vacated under RCW 13.40.127(9) prior to June 7, 2012, if restitution has been paid and the person is eighteen years of age or older at the time of the motion.

(5) The person making a motion pursuant to subsection (3) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose records are sought to be sealed.

(6)(a) If the court enters a written order sealing the juvenile court record pursuant to this section, it shall, subject to RCW 13.50.050(13), order sealed the official juvenile court record, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(b) In the event the subject of the juvenile records receives a full and unconditional pardon, the proceedings in the matter upon which the pardon has been granted shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events upon which the pardon was received. Any agency shall reply to any inquiry concerning the records pertaining to the events for which the subject received a pardon that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(c) Effective July 1, 2019, the department of licensing may release information related to records the court has ordered sealed only to the extent necessary to comply with federal law and regulation.

(7) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and 13.50.050(13).

(8)(a) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying a sealing order; however, the court may order the juvenile court record resealed upon disposition of the subsequent matter if the case meets the sealing criteria under this section and the court record has not previously been resealed.

(b) Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order.

(c) The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(d) The Washington state patrol shall ensure that the Washington state identification system provides Washington state criminal justice agencies access to sealed juvenile records information.

(9) If the juvenile court record has been sealed pursuant to this section, the record of an employee is not admissible in an action for liability against the employer based on the former juvenile offender's conduct to show that the employer knew or should have known of the juvenile record of the employee. The record may be admissible, however, if a background check conducted or authorized by the employer contained the information in the sealed record.

(10) County clerks may interact or correspond with the respondent, his or her parents, restitution recipients, and any holders of potential assets or wages of the respondent for the

purposes of collecting an outstanding legal financial obligation after juvenile court records have been sealed pursuant to this section.

(11) Persons and agencies that obtain sealed juvenile records information pursuant to this section may communicate about this information with the respondent, but may not disseminate or be compelled to release the information to any person or agency not specifically granted access to sealed juvenile records in this section.

(12) All criminal justice agencies must not disclose confidential information or sealed records accessed through the Washington state identification system or other means, and no information can be given to third parties other than Washington state criminal justice agencies about the existence or nonexistence of confidential or sealed records concerning an individual.

Sec. 2. RCW 10.97.050 and 2012 c 125 s 2 are each amended to read as follows:

(1) Conviction records may be disseminated without restriction.

(2) Any criminal history record information which pertains to an incident that occurred within the last twelve months for which a person is currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated without restriction.

(3) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to another criminal justice agency for any purpose associated with the administration of criminal justice, or in connection with the employment of the subject of the record by a criminal justice or juvenile justice agency, except as provided under RCW 13.50.260. A criminal justice agency may respond to any inquiry from another criminal justice agency without any obligation to ascertain the purpose for which the information is to be used by the agency making the inquiry.

(4) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to records of arrest, charges, or allegations of criminal conduct or other nonconviction data and authorizes or directs that it be available or accessible for a specific purpose.

(5) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies pursuant to a contract with a criminal justice agency to provide services related to the administration of criminal justice. Such contract must specifically authorize access to criminal history record information, but need not specifically state that access to nonconviction data is included. The agreement must limit the use of the criminal history record information to stated purposes and insure the confidentiality and security of the information consistent with state law and any applicable federal statutes and regulations.

(6) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. Such agreement must authorize the access to nonconviction data, limit the use of that information which identifies specific individuals to research, evaluative, or statistical purposes, and contain provisions giving notice to the person or organization to which the records are disseminated that the use of information obtained therefrom and further dissemination of such information are subject to the provisions of this chapter and applicable federal statutes and regulations, which shall be cited

with express reference to the penalties provided for a violation thereof.

(7) Every criminal justice agency that maintains and disseminates criminal history record information must maintain information pertaining to every dissemination of criminal history record information except a dissemination to the effect that the agency has no record concerning an individual. Information pertaining to disseminations shall include:

- (a) An indication of to whom (agency or person) criminal history record information was disseminated;
- (b) The date on which the information was disseminated;
- (c) The individual to whom the information relates; and
- (d) A brief description of the information disseminated.

The information pertaining to dissemination required to be maintained shall be retained for a period of not less than one year.

(8) In addition to the other provisions in this section allowing dissemination of criminal history record information, RCW 4.24.550 governs dissemination of information concerning offenders who commit sex offenses as defined by RCW 9.94A.030. Criminal justice agencies, their employees, and officials shall be immune from civil liability for dissemination on criminal history record information concerning sex offenders as provided in RCW 4.24.550.

NEW SECTION. Sec. 3. (1) The department of children, youth, and families and the office of the superintendent of public instruction shall develop policies and procedures that prevent any information from being included on a student transcript indicating that a student received credit while confined in a detention facility as defined under RCW 13.40.020, institution as defined under RCW 13.40.020, juvenile correctional facility under alternative administration operated by a consortium of counties under RCW 13.04.035, community facility as defined under RCW 72.05.020, or correctional facility as defined under RCW 70.48.020.

(2) By November 1, 2020, and in compliance with RCW 43.01.036, the department of children, youth, and families and the office of the superintendent of public instruction shall provide a report to the appropriate committees of the legislature and the governor describing the actions, policies, and procedures in place to prevent information from being included on a student transcript indicating that a student received credit while confined in a detention facility as defined under RCW 13.40.020, institution as defined under RCW 13.40.020, juvenile correctional facility under alternative administration operated by a consortium of counties under RCW 13.04.035, community facility as defined under RCW 72.05.020, or correctional facility as defined under RCW 70.48.020.

(3) This section expires June 30, 2021.

NEW SECTION. Sec. 4. This act applies to all juvenile record sealing hearings commenced on or after the effective date of this section, regardless of when the underlying hearing was scheduled or the underlying record was created. To this extent, this act applies retroactively, but in all other respects it applies prospectively."

On page 1, line 1 of the title, after "sealing;" strike the remainder of the title and insert "amending RCW 13.50.260 and 10.97.050; creating new sections; and providing an expiration date."

MOTION

Senator Kuderer moved that the following floor amendment no. 1223 by Senator Kuderer be adopted:

On page 9, after line 28, insert the following:

"NEW SECTION. Sec. 5. Sections 1, 2, and 4 of this act take effect January 1, 2021."

On page 9, line 31, after "sections;" insert "providing an effective date;"

Senator Kuderer spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1223 by Senator Kuderer on page 9, after line 28 to the committee striking amendment.

The motion by Senator Kuderer carried and floor amendment no. 1223 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation as amended to Substitute House Bill No. 2794.

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

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 2794 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, O'Ban and Darneille spoke in favor of passage of the bill.

Senators Padden and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2794 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2794 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

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

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, Padden, Schoesler, Short, Warnick and Wilson, L.

Excused: Senators Becker and Sheldon

SUBSTITUTE HOUSE BILL NO. 2794 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. 2017, by House Committee on Appropriations (originally sponsored by Frame, Dolan, Fitzgibbon, Stanford, Kilduff, Macri, Ryu, Valdez, Tarleton and Pollet)

Concerning collective bargaining for administrative law judges.

The measure was read the second time.

MOTION

Senator Short moved that the following floor amendment no. 1281 by Senator Short be adopted:

On page 2, after line 29, insert the following:

"(5) Notwithstanding RCW 41.80.100:

(a) The employer must only deduct exclusive bargaining representative dues from the wages of an administrative law judge of the office of administrative hearings and transmit the same to the exclusive bargaining representative upon receipt of an authorization from the administrative law judge that:

(i) Is made in writing;

(ii) Is dated and signed with the administrative law judge's legally valid signature;

(iii) Clearly and specifically acknowledges and waives the administrative law judge's constitutional right to not pay any union dues or fees; and

(iv) Is given freely and affirmatively and not obtained through coercive or deceptive means.

(b) When an administrative law judge of the office of administrative hearings provides the employer with a written request to cease deducting exclusive bargaining representative dues, the employer must cease the deductions within thirty days.

(c) The employer must maintain all copies of dues deductions authorizations and cancellations provided by an administrative law judge of the office of administrative hearings for at least three years after the judge has ceased to be employed in the bargaining unit."

Senator Short spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1281 by Senator Short on page 2, after line 29 to Substitute House Bill No. 2017.

The motion by Senator Short did not carry and floor amendment no. 1281 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 1282 by Senator Short be adopted:

On page 2, after line 29, insert the following:

"(5) The employer must make bargaining proposals made in the course of collective bargaining with the exclusive bargaining representative of administrative law judges of the office of administrative hearings available to the public by:

(a) Posting bargaining proposals online within two business days of their transmission to or receipt from the exclusive bargaining representative; or

(b) Fulfilling requests for exchanged bargaining proposals within two business days."

Senator Short spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1282 by Senator Short on page 2, after line 29 to Substitute House Bill No. 2017.

The motion by Senator Short did not carry and floor amendment no. 1282 was not adopted by rising vote.

MOTION

Senator King moved that the following floor amendment no.

1286 by Senator King be adopted:

On page 2, after line 29, insert the following:

"(5) Notwithstanding RCW 41.80.135, no employee organization may be certified as the exclusive bargaining representative of the statewide bargaining unit of administrative law judges of the office of administrative hearings unless it receives the votes of a majority of administrative law judges of the office of administrative hearings in a secret ballot election administered by the commission pursuant to RCW 41.80.080."

Senators King and Braun spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1286 by Senator King on page 2, after line 29 to Substitute House Bill No. 2017.

The motion by Senator King did not carry and floor amendment no. 1286 was not adopted by voice vote.

MOTION

On motion of Senator Lovelett, the rules were suspended, Substitute House Bill No. 2017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovelett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2017.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2017 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

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

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

SUBSTITUTE HOUSE BILL NO. 2017, 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. 2691, by Representatives Valdez, Ryu, Frame, Doglio, Dolan, Slatter, Lovick, Ortiz-Self, Fitzgibbon, Davis, Pollet and Macri

Concerning the scope of collective bargaining for language access providers.

The measure was read the second time.

MOTION

Senator Saldaña moved that the following committee striking amendment by the Committee on Labor & Commerce be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.030 and 2019 c 280 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(2) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(3) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) under chapter 43.216 RCW, is either licensed by the state or is exempt from licensing.

(8) "Individual provider" means an individual provider as defined in RCW 74.39A.240(3) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(9) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(10)(a) "Language access provider" means any independent contractor who provides spoken language interpreter services, whether paid by a broker, language access agency, or the respective department:

(i) For department of social and health services appointments, department of children, youth, and families appointments, medicaid enrollee appointments, or who provided these services on or after January 1, 2011, and before June 10, 2012;

(ii) For department of labor and industries authorized medical and vocational providers(~~(-or)~~) who provided these services on or after January 1, (~~(2016, and before July 1, 2018)~~) 2019; or

(iii) For state agencies(~~(-or)~~) who provided these services on or after January 1, (~~(2016, and before July 1, 2018)~~) 2019.

(b) "Language access provider" does not mean a manager or employee of a broker or a language access agency.

(11) "Public employee" means any employee of a public

employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(12) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(13) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(9), by a county with a population of seventy thousand or more, in a correctional facility created under RCW 70.48.095, or in a detention facility created under chapter 13.40 RCW that is located in a county with a population over one million five hundred thousand, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer; or (i) court marshals of any county who are employed by, trained for, and commissioned by the county sheriff and charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the county sheriff or mandated by judicial order.

"**Sec. 2.** RCW 41.56.510 and 2018 c 253 s 8 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to language access providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the

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governor is the public employer of language access providers who, solely for the purposes of collective bargaining, are public employees. The governor or the governor's designee shall represent the public employer for bargaining purposes.

(2) There shall be collective bargaining, as defined in RCW 41.56.030, between the governor and language access providers, except as follows:

(a) The only units appropriate for purposes of collective bargaining under RCW 41.56.060 are:

(i) A statewide unit for language access providers who provide spoken language interpreter services for department of social and health services appointments, department of children, youth, and families appointments, or medicaid enrollee appointments;

(ii) A statewide unit for language access providers who provide spoken language interpreter services for injured workers or crime victims receiving benefits from the department of labor and industries; and

(iii) A statewide unit for language access providers who provide spoken language interpreter services for any state agency through the department of enterprise services, excluding language access providers included in (a)(i) and (ii) of this subsection;

(b) The exclusive bargaining representative of language access providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070.

Bargaining authorization cards furnished as the showing of interest in support of any representation petition or motion for intervention filed under this section are exempt from disclosure under chapter 42.56 RCW;

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for language access providers under this section is limited solely to: (i) Economic compensation, such as the manner and rate of payments including tiered payments; (ii) professional development and training; (iii) labor-management committees; ~~(and)~~ (iv) grievance procedures; (v) health and welfare benefits; and (vii) other economic matters. Retirement benefits are not subject to collective bargaining. By such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter;

(d) In addition to the entities listed in the mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480, the provisions apply to the governor or the governor's designee and the exclusive bargaining representative of language access providers, except that:

(i) In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement;

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, the decision is not binding on the state;

(e) Language access providers do not have the right to strike;

(f) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit;

(g) If a single employee organization is the exclusive bargaining representative for two or more bargaining units, the

governor and the employee organization may agree to negotiate a single collective bargaining agreement for all of the bargaining units that the employee organization represents.

(3) Language access providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any other purpose. This section applies only to the governance of the collective bargaining relationship between the employer and language access providers as provided in subsections (1) and (2) of this section.

(4) Each party with whom the department of social and health services, the department of children, youth, and families, the department of labor and industries, and the department of enterprise services contracts for language access services and each of their subcontractors shall provide to the respective department an accurate list of language access providers, as defined in RCW 41.56.030, including their names, addresses, and other contact information, annually by January 30th, except that initially the lists must be provided within thirty days of July 1, 2018. The department shall, upon request, provide a list of all language access providers, including their names, addresses, and other contact information, to a labor union seeking to represent language access providers.

(5) This section does not create or modify:

(a) The obligation of any state agency to comply with federal statute and regulations; and

(b) The legislature's right to make programmatic modifications to the delivery of state services under chapter 74.04 or 39.26 RCW or Title 51 RCW. The governor may not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection.

(6) Upon meeting the requirements of subsection (7) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement the agreement.

(7) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section may not be submitted by the governor to the legislature unless the request has been:

(a) Submitted to the director of financial management by October 1st prior to the legislative session at which the requests are to be considered, except that, for initial negotiations under this section, the request may not be submitted before July 1, 2011; and

(b) Certified by the director of financial management as financially feasible for the state or reflective of a binding decision of an arbitration panel reached under subsection (2)(d) of this section.

(8) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any collective bargaining agreement must be reopened for the sole purpose of renegotiating the funds necessary to implement the agreement.

(9) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(10) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in the agreement remain in effect until the

effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of language access providers and their exclusive bargaining representative to the extent the activities are authorized by this chapter."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "and amending RCW 41.56.030 and 41.56.510."

MOTION

Senator King moved that the following floor amendment no. 1287 by Senator King be adopted:

On page 5, beginning on line 9, after "procedures;" strike all material through "matters" on line 10 and insert "and (v) health and welfare benefits"

Senator King spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1287 by Senator King on page 5, line 9 to House Bill No. 2691.

The motion by Senator King did not carry and floor amendment no. 1287 was not adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 1288 by Senator King be adopted:

On page 7, after line 29, insert the following:

"(12) By December 1, 2020, the department of social and health services, the department of children, youth, and families, the department of labor industries, the health care authority, and the department of enterprise services must report to the legislature on the following:

(a) Each agency's current process for procuring spoken language interpreters and whether the changes in Chapter 253, Laws of 2018 have been implemented;

(b) If Chapter 253, Laws of 2018 has not been fully implemented by an agency, the barriers to implementation the agency has encountered and recommendations for removing the barriers to implementation;

(c) The impacts of the changes to the bargaining units for language access providers in Chapter 253, Laws of 2018; and

(d) Recommendations on how to improve the procurement and accessibility of language access providers."

Senators King and Saldaña spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1288 by Senator King on page 7, after line 29 to House Bill No. 2691.

The motion by Senator King carried and floor amendment no. 1288 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor & Commerce as amended to House Bill No. 2691.

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, House Bill No. 2691 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña and King spoke in favor of passage of the bill. Senators Walsh and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2691 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2691 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

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

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, Muzzall, Padden, Schoesler, Short, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senators Becker and Sheldon

HOUSE BILL NO. 2691 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. 2449, by Representatives Griffey and Gregerson

Concerning water-sewer district commissioner compensation.

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 35.61.150 and 2019 c 198 s 1 are each amended to read as follows:

(1) Metropolitan park commissioners selected by election according to RCW 35.61.050(2) shall perform their duties and may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate up to the daily compensation maximum amount provided in subsection (3) of this section for each day or portion of a day spent in actual attendance at official meetings or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner must not exceed the annual compensation maximum amount provided in subsection (3) of this section per year.

(2) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed

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with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(3)(a) For purposes of the references in subsection (1) of this section, the daily compensation maximum amount is one hundred twenty-eight dollars and the annual compensation maximum amount is twelve thousand two hundred eighty-eight dollars. However, for any metropolitan park district with facilities including an aquarium, a wildlife park, and a zoo, accredited by a nationally recognized accrediting agency, the annual compensation maximum amount is twenty-four thousand five hundred seventy-six dollars.

(b) The dollar thresholds established in this subsection (3) must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2023~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(4) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 2. RCW 36.57A.050 and 2018 c 154 s 1 are each amended to read as follows:

Within sixty days of the establishment of the boundaries of the public transportation benefit area the members of the county legislative authority and the elected representative of each city within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component cities within the area and the county legislative authority of each county within the area. The members of the governing body of the public transportation benefit area, if the population of the county in which the public transportation benefit area is located is more than four hundred thousand and the county does not also contain a city with a population of seventy-five thousand or more operating a transit system pursuant to chapter 35.95 RCW, must be selected to assure proportional representation, based on population, of each of the component cities located within the public transportation benefit area and the unincorporated areas of the county located within the public transportation benefit area, to the extent possible within the restrictions placed on the size of the governing body of a public transportation benefit area. If necessary to assure such proportional representation, multiple cities may be represented by a single elected official from one of the cities. A majority of the governing board may not be selected to represent a single component city. If at the time a public

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transportation benefit area authority assumes the public transportation functions previously provided under the interlocal cooperation act (chapter 39.34 RCW) there are citizen positions on the governing board of the transit system, those positions may be retained as positions on the governing board of the public transportation benefit area authority.

Within such sixty-day period, any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. The county legislative authority and each city remaining in the public transportation benefit area may disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.

In no case shall the governing body of a single county public transportation benefit area be greater than nine voting members and in the case of a multicounty area, fifteen voting members. Those cities within the public transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.

There is one nonvoting member of the public transportation benefit area authority. The nonvoting member is recommended by the labor organization representing the public transportation employees within the local public transportation system. If the public transportation employees are represented by more than one labor organization, all such labor organizations shall select the nonvoting member by majority vote. The nonvoting member shall comply with all governing bylaws and policies of the authority. The chair or cochair of the authority shall exclude the nonvoting member from attending any executive session held for the purpose of discussing negotiations with labor organizations. The chair or cochair may exclude the nonvoting member from attending any other executive session. The requirement that a nonvoting member be appointed to the governing body of a public transportation benefit area authority does not apply to an authority that has no employees represented by a labor union.

Each member of the authority is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation, as set by the authority, in an amount not to exceed forty-four dollars for each day during which the member attends official meetings of the authority or performs prescribed duties approved by the chair of the authority. Except that the authority may, by resolution, increase the payment of per diem compensation to each member from forty-four dollars up to ninety dollars per day or portion of a day for actual attendance at board meetings or for performance of other official services or duties on behalf of the authority. In no event may a member be compensated in any year for more than seventy-five days, except the chair who may be paid compensation for not more than one hundred days: PROVIDED, That compensation shall not be paid to an elected official or employee of federal, state, or local government who is receiving regular full-time compensation from such government for attending meetings and performing prescribed duties of the authority.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor.

If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 3. RCW 53.12.260 and 2011 c 152 s 1 are each amended to read as follows:

(1) Each commissioner of a port district shall receive ninety dollars, as adjusted for inflation by the office of financial management in subsection (4) of this section, per day or portion thereof spent (a) in actual attendance at official meetings of the port district commission, or (b) in performance of other official services or duties on behalf of the district. The total per diem compensation of a port commissioner shall not exceed eight thousand six hundred forty dollars in a year, as adjusted for inflation by the office of financial management in subsection (4) of this section, or ten thousand eight hundred dollars in any year, as adjusted for inflation by the office of financial management in subsection (4) of this section, for a port district with gross operating income of twenty-five million or more in the preceding calendar year.

(2) Port commissioners shall receive additional compensation as follows: (a) Each commissioner of a port district with gross operating revenues of twenty-five million dollars or more in the preceding calendar year shall receive a salary of five hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (4) of this section; and (b) each commissioner of a port district with gross operating revenues of from one million dollars to less than twenty-five million dollars in the preceding calendar year shall receive a salary of two hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (4) of this section.

(3) In lieu of the compensation specified in this section, a port commission may set compensation to be paid to commissioners.

(4) For any commissioner who has not elected to become a member of public employees retirement system before May 1, 1975, the compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state nor shall attendance at such meetings or other service on behalf of the district constitute service as defined in RCW 41.40.010(37); PROVIDED, That in the case of a port district when commissioners are receiving compensation and contributing to the public employees retirement system, these benefits shall continue in full force and effect notwithstanding the provisions of (~~RCW 53.12.260~~) this section and RCW 53.12.265.

The dollar thresholds for salaries and per diem compensation established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer

price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 4. RCW 54.12.080 and 2010 c 58 s 1 are each amended to read as follows:

(1) Commissioners of public utility districts shall receive salaries as follows:

(a) Each public utility district commissioner of a district operating utility properties shall receive a salary of one thousand eight hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (6) of this section, during a calendar year if the district received total gross revenue of over fifteen million dollars during the fiscal year ending June 30th before the calendar year.

(b) Each public utility district commissioner of a district operating utility properties shall receive a salary of one thousand three hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (6) of this section, during a calendar year if the district received total gross revenue of from two million dollars to fifteen million dollars during the fiscal year ending June 30th before the calendar year.

(c) Commissioners of other districts shall receive a salary of six hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (6) of this section, for each commissioner.

(2) In addition to salary, all districts shall provide for the payment of per diem compensation to each commissioner at a rate of ninety dollars, as adjusted for inflation by the office of financial management in subsection (6) of this section, for each day or portion thereof spent in actual attendance at official meetings of the district commission or in performance of other official services or duties on behalf of the district, to include meetings of the commission of his or her district or meetings attended by one or more commissioners of two or more districts called to consider business common to them, but such compensation paid during any one year to a commissioner shall not exceed twelve thousand six hundred dollars, as adjusted for inflation by the office of financial management in subsection (6) of this section. Per diem compensation shall not be paid for services of a ministerial or professional nature.

(3) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(4) Each district commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such

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business and meetings, including his or her subsistence and lodging and travel while away from his or her place of residence.

(5) Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioner with the same coverage.

(6) The dollar thresholds for salaries and per diem compensation established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(7) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 5. RCW 57.12.010 and 2008 c 31 s 1 are each amended to read as follows:

The governing body of a district shall be a board of commissioners consisting of three members, or five or seven members as provided in RCW 57.12.015. The board shall annually elect one of its members as president and another as secretary.

The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose which shall be a public record.

Each commissioner shall receive ninety dollars for each day or portion thereof spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner shall not exceed eight thousand six hundred forty dollars per year. In addition, the secretary may be paid a reasonable sum for clerical services.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during the commissioner's term of office, by a written waiver filed with the district at any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

No commissioner shall be employed full time by the district. A commissioner shall be reimbursed for reasonable expenses actually incurred in connection with district business, including subsistence and lodging while away from the commissioner's place of residence and mileage for use of a privately owned vehicle at the mileage rate authorized in RCW 43.03.060.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon

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changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 6. RCW 68.52.220 and 2013 c 167 s 9 are each amended to read as follows:

(1) The affairs of the cemetery district must be managed by a board of cemetery district commissioners composed of three members. The board may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to ninety dollars for each day or portion of a day spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner must not exceed eight thousand six hundred forty dollars per year.

(2) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver must specify the month or period of months for which it is made. The board must fix the compensation to be paid the secretary and other employees of the district. Cemetery district commissioners and candidates for cemetery district commissioner are exempt from the requirements of chapter 42.17A RCW.

(3) The initial cemetery district commissioners must assume office immediately upon their election and qualification. Staggering of terms of office must be accomplished as follows:

(a) The person elected receiving the greatest number of votes is elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (b) the person who is elected receiving the next greatest number of votes is elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (c) the other person who is elected is elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners must assume office immediately after they are elected and qualified but their terms of office must be calculated from the first day of January after the election.

(4) Thereafter, commissioners are elected to six-year terms of office. Commissioners must serve until their successors are

elected and qualified and assume office as provided in RCW ((29A.20.040)) 29A.60.280.

(5) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items must be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(6) A person holding office as commissioner for two or more special purpose districts may receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 7. RCW 70.44.050 and 2008 c 31 s 2 are each amended to read as follows:

Each commissioner shall receive ninety dollars for each day or portion thereof spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district, to include meetings of the commission of his or her own district, or meetings attended by one or more commissioners of two or more districts called to consider business common to them, except that the total compensation paid to such commissioner during any one year shall not exceed eight thousand six hundred forty dollars. The commissioners may not be compensated for services performed of a ministerial or professional nature.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioners with the same coverage. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his or her subsistence and lodging and travel while away from his or her place of residence. No resolution shall be adopted without a majority vote of the whole commission. The commission shall organize by election of its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period.

"Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 8. RCW 85.05.410 and 2007 c 469 s 8 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of up to ninety dollars for actual attendance at official meetings of the district and for each day or part thereof, or in performance of other official services or duties on behalf of the district and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year, except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved at regular meetings of the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar

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threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 9. RCW 85.06.380 and 2007 c 469 s 9 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners may receive as compensation up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year: PROVIDED FURTHER, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 10. RCW 85.08.320 and 2007 c 469 s 10 are each

amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. Members of the board of supervisors may receive compensation up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

Any supervisor may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the supervisor's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 11. RCW 85.24.080 and 2007 c 469 s 11 are each amended to read as follows:

The members of the board may receive as compensation up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED,

That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year: PROVIDED FURTHER, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his or her duties.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 12. RCW 85.38.075 and 2007 c 469 s 15 are each amended to read as follows:

The members of the governing body may each receive up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the governing body or in performance of other official services or duties on behalf of the district. The governing body shall fix the compensation to be paid to the members, secretary, and all other agents and employees of the district. Compensation for the members shall not exceed eight thousand six hundred forty dollars in one calendar year. A member is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the member's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any member may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed

with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the member's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 13. RCW 86.09.283 and 2007 c 469 s 12 are each amended to read as follows:

The board of directors may each receive up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the board, or in performance of other official services or duties on behalf of the board. The board shall fix the compensation to be paid to the directors, secretary, and all other agents and employees of the district. Compensation for the directors shall not exceed eight thousand six hundred forty dollars in one calendar year. A director is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the director's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar

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threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 14. RCW 86.15.055 and 2015 c 165 s 1 are each amended to read as follows:

(1) In a zone with supervisors elected pursuant to RCW 86.15.050, the supervisors may, as adjusted in accordance with subsection (4) of this section, each receive up to one hundred fourteen dollars per day or portion of a day spent in actual attendance at official meetings of the governing body or in performance of other official services or duties on behalf of the zone. The compensation for supervisors in office on January 1, 2015, is fixed at one hundred fourteen dollars per day. The board of county commissioners shall fix any such compensation to be paid to the initial supervisors during their initial terms of office. The supervisors shall fix the compensation to be paid to the supervisors thereafter. Compensation for the supervisors shall not exceed ten thousand nine hundred forty-four dollars in one calendar year.

(2) A supervisor is entitled to reimbursement for reasonable expenses actually incurred in connection with performance of the duties of a supervisor, including subsistence and lodging, while away from the supervisor's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

(3) Any supervisor may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the supervisors as provided in this section. The waiver, to be effective, must be filed any time after the member's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(4) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2018~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state and including all items, must be used for the adjustments of inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

Sec. 15. RCW 87.03.460 and 2009 c 145 s 2 are each amended to read as follows:

(1) In addition to their reasonable expenses in accordance with chapter 42.24 RCW, the directors shall each receive ninety dollars for each day or portion thereof spent by a director for such actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district. The

total amount of such additional compensation received by a director may not exceed eight thousand six hundred forty dollars in a calendar year. The board shall fix the compensation of the secretary and all other employees.

(2) Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(3) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(4) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions."

On page 1, line 2 of the title, after "compensation;" strike the remainder of the title and insert "and amending RCW 35.61.150, 36.57A.050, 53.12.260, 54.12.080, 57.12.010, 68.52.220, 70.44.050, 85.05.410, 85.06.380, 85.08.320, 85.24.080, 85.38.075, 86.09.283, 86.15.055, and 87.03.460."

The President 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. 2449.

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. 2449 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2449 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2449 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 Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

HOUSE BILL NO. 2449, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1888, by House Committee on Appropriations (originally sponsored by Hudgins and Valdez)

Protecting employee information from public disclosure.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.56.250 and 2019 c 349 s 2 and 2019 c 229 s 1 are each reenacted and amended to read as follows:

The following employment and licensing information is exempt from public inspection and copying under this chapter:

(1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;

(2) All applications for public employment other than for vacancies in elective office, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

(3) Professional growth plans (PGPs) in educator license renewals submitted through the eCert system in the office of the superintendent of public instruction;

(4) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

(5) Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or

her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;

(6) Investigative records compiled by an employing agency in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted, unless a complainant, other accuser, or witness has consented to the disclosure of his or her name. The employing agency must inform a complainant, other accuser, or witness that his or her name will be redacted from the investigation records unless he or she consents to disclosure;

(7) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025;

(8) Photographs and month and year of birth in the personnel files of employees or volunteers of a public agency, including employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030;

(9) The global positioning system data that would indicate the location of the residence of a public employee or volunteer using the global positioning system recording device; (~~and~~)

(10) Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots; and

(11) Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details. "Personal demographic details" means race or ethnicity, sexual orientation as defined by RCW 49.60.040(26), immigration status, national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format.

(12) Upon receipt of a request for information located exclusively in an employee's personnel, payroll, supervisor, or training file, the agency must provide notice to the employee, to any union representing the employee, and to the requestor. The notice must state:

(a) The date of the request;

(b) The nature of the requested record relating to the employee;

(c) That the agency will release any information in the record which is not exempt from the disclosure requirements of this chapter at least ten days from the date the notice is made; and

(d) That the employee may seek to enjoin release of the records under RCW 42.56.540."

On page 1, line 2 of the title, after "disclosure;" strike the remainder of the title and insert "and reenacting and amending RCW 42.56.250."

MOTION

Senator Short moved that the following floor amendment no. 1279 by Senator Short be adopted:

On page 3, line 10, after "must" strike "state" and insert "include"

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On page 3, line 12, after "(b)" strike "The nature of the requested record relating to the employee" and insert "A copy of the request"

On page 3, line 13, after "(c)" strike "That" insert "A statement that"

Senator Short spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1279 by Senator Short on page 3, line 10 to Second Substitute House Bill No. 1888.

The motion by Senator Short did not carry and floor amendment no. 1279 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1276 by Senator Ericksen be adopted:

On page 3, after line 17, insert the following:
"NEW SECTION. Sec. 2. A new section is added to chapter 42.56 RCW to read as follows:

At the request of a nonprofit organization, an agency must arrange to distribute written material to its employees on behalf of the nonprofit organization, subject to the following conditions:

(1) The agency may either distribute the written material to employees at work or arrange to send the written material to employees' home mailing addresses via postal mail.

(2) The agency must not disclose any information exempt from public inspection and copying under RCW 42.56.250 to the nonprofit organization.

(3) The nonprofit organization must:
 (a) Be registered with the secretary of state;
 (b) Create the written material;
 (c) Use the written material to inform public employees about constitutional, legal, or civil rights; and

(d) Pay for or reimburse the agency for all costs involved in distributing or mailing the written material.

(4) The written material must not:
 (a) Solicit contributions;
 (b) Promote commercial goods or services;
 (c) Support or oppose political candidates or ballot measures;
 or

(d) Contain content that is threatening, violent, or obscene.

(5) The agency may decline to distribute or send more than four pieces of written material per calendar year to its employees on behalf of any nonprofit organization so requesting."

On page 3, beginning on line 19, after "insert" strike "and reenacting and amending RCW 42.56.250" and insert "reenacting and amending RCW 42.56.250; and adding a new section to chapter 42.56 RCW"

Senator Ericksen spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1276 by Senator Ericksen on page 3, after line 17 to Second Substitute House Bill No. 1888.

The motion by Senator Ericksen did not carry and floor amendment no. 1276 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 1280 by Senator Short be adopted:

On page 3, after line 17, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 42.56 RCW to read as follows:

No agency may disclose, provide, or otherwise release any of the following information for employees or volunteers of a public agency to a labor union without the employee's or volunteer's voluntary, written authorization:

- (1) Dates of birth;
- (2) Residential telephone numbers;
- (3) Personal wireless telephone numbers;
- (4) Personal email addresses;
- (5) Social security numbers;
- (6) Identocard numbers; and
- (7) Emergency contact information."

On page 3, line 19, after "insert" strike "and reenacting and amending RCW 42.56.250" and insert "reenacting and amending RCW 42.56.250; and adding a new section to chapter 42.56 RCW"

Senator Short spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1280 by Senator Short on page 3, after line 17 to Second Substitute House Bill No. 1888.

The motion by Senator Short did not carry and floor amendment no. 1280 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government, Tribal Relations & Elections to Second Substitute House Bill No. 1888.

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, Second Substitute House Bill No. 1888 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 and Lias spoke in favor of passage of the bill.

Senators Schoesler, Ericksen, Short, Braun, Padden and Fortunato spoke against passage of the bill.

MOTION

On motion of Senator Brown, Senator Walsh was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1888 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1888 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

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

Voting nay: Senators Ericksen, Fortunato, Honeyford, Muzzall, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators Becker, Sheldon and Walsh

SECOND SUBSTITUTE HOUSE BILL NO. 1888, 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. 2803, by House Committee on Finance (originally sponsored by Tarleton, Robinson, Sells, Lekanoff, Gregerson, Chapman, Orwall, Peterson, Tharinger and Pollet)

Authorizing the governor to enter into compacts with Indian tribes addressing certain state retail sales tax, certain state use tax, and certain state business and occupation tax revenues, as specified in a memorandum of understanding entered into by the state, Tulalip tribes, and Snohomish county, in January 2020, and including other terms necessary for the department of revenue to administer any such compact.

The measure was read the second time.

MOTION

Senator Braun moved that the following floor amendment no. 1285 by Senator Braun be adopted:

On page 1, line 5 of the title, after "January" insert "and February"

Senator Braun spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1285 by Senator Braun on page 1, line 5 to Substitute House Bill No. 2803.

The motion by Senator Braun did not carry and floor amendment no. 1285 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 1278 by Senator Short be adopted:

On page 3, line 22, after "(3)" insert "If revenues are transferred from the budget stabilization account under Article VII, section 12(d)(ii) of the state Constitution, the amounts paid to a tribe under subsection (2)(a) through (d) of this section must be reduced by twenty-five percent for the two fiscal years subsequent to the fiscal year in which the transfer occurs.

(4)"

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

Senator Short spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the

adoption of floor amendment no. 1278 by Senator Short on page 3, line 22 to Substitute House Bill No. 2803.

The motion by Senator Short did not carry and floor amendment no. 1278 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 1277 by Senator Short be adopted:

On page 4, line 13, after "compacting tribe" insert "or the governor"

Senator Short spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1277 by Senator Short on page 4, line 13 to Substitute House Bill No. 2803.

The motion by Senator Short did not carry and floor amendment no. 1277 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1284 by Senator Braun be adopted:

On page 4, beginning on line 18, after "transactions" strike all material through "administration" on line 22 and insert "and the state may deduct one percent of the taxes to be paid to offset administrative expenses incurred by the department"

Senator Braun spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1284 by Senator Braun on page 4, line 18 to Substitute House Bill No. 2803.

The motion by Senator Braun did not carry and floor amendment no. 1284 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1270 by Senator Ericksen be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and

(j) Terms specifying that a compacting tribe will pay prevailing wage rates through local collective bargaining as determined by the department of labor and industries"

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1270 by Senator Ericksen on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Ericksen did not carry and floor amendment no. 1270 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1271 by Senator Ericksen be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and

(j) Terms specifying that tribal businesses and tribal employees

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of a compacting tribe must fully contribute and participate in the family and medical leave program under Title 50A RCW and the long-term services and supports trust program under chapter 50B.04 RCW"

Senator Ericksen spoke in favor of adoption of the amendment.
Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1271 by Senator Ericksen on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Ericksen did not carry and floor amendment no. 1271 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1272 by Senator Ericksen be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and

(j) Terms specifying that a compacting tribe will comply with all state human health ambient water quality standards under chapter 173-201A WAC and seek permits from state and local permitting authorities"

Senators Ericksen and Schoesler spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1272 by Senator Ericksen on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Ericksen did not carry and floor amendment no. 1272 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1273 by Senator Ericksen be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and

(j) Terms specifying that a business operating within the Indian reservation of a compacting tribe is subject to state and local permitting requirements in lieu of any tribal permitting requirements"

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1273 by Senator Ericksen on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Ericksen did not carry and floor amendment no. 1273 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1274 by Senator Ericksen be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and

(j) Terms specifying that any city or county that includes any portion of a compact covered area may impose impact fees to offset the cost of public services provided by the city or county to businesses operating within a compact covered area"

Senator Ericksen spoke in favor of adoption of the amendment.
Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1274 by Senator Ericksen on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Ericksen did not carry and floor amendment no. 1274 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1275 by Senator Ericksen be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and

(j) Terms specifying that a compacting tribe will provide predictive scheduling for tribal employees, which includes: Advance notice of work schedules; reasonable additional compensation for work schedule changes; sufficient rest between work shifts; and adequate record retention to establish compliance, which must be for a minimum of three years"

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1275 by Senator Ericksen on page 4, line 33 to Substitute House Bill No. 2803.

The motion by Senator Ericksen did not carry and floor amendment no. 1275 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1283 by Senator Braun be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and

(j) Terms specifying that a compact does not take effect until either (i) a federal appellate court rules that the state and local governments are prohibited from collecting sales and use taxes and business and occupation taxes on qualified transactions, or (ii) the state attorney general, following oral argument at the United States supreme court, advises the state that it is more than likely not going to prevail on the issue of whether state and local governments can validly impose sales and use and business and occupation taxes on qualified transactions"

Senator Braun spoke in favor of adoption of the amendment.

Senator Billig spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1283 by Senator Braun on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Braun did not carry and floor amendment no. 1283 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1290 by Senator Braun be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and

(j) An agreement that payments will cease during any fiscal year in which the total payments to all compacting tribes would

exceed one hundred twenty-five million dollars for that fiscal year"

Senators Braun, King and Ericksen spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1290 by Senator Braun on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Braun did not carry and floor amendment no. 1290 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1289 by Senator Braun be adopted:

On page 4, line 32, after "compact" insert "not to exceed ten years"

Senator Braun spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1289 by Senator Braun on page 4, line 32 to Substitute House Bill No. 2803.

The motion by Senator Braun did not carry and floor amendment no. 1289 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 1269 by Senator Schoesler be adopted:

On page 7, after line 28, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 42.17A RCW to read as follows:

No tribe negotiating a compact with the governor or the department of revenue under section 2 of this act may make a contribution to any candidate for governor or any political or incidental committee which makes expenditures in support of or in opposition to any candidate for governor from the period beginning when the compact is being negotiated up to and including the next gubernatorial election."

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

On page 1, line 8 of the title, after "RCW;" insert "adding a new section to chapter 42.17A RCW;"

Senators Schoesler and Ericksen spoke in favor of adoption of the amendment.

Senators Liias and Frockt spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 7, line 28 to Substitute House Bill No. 2803.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 18; Nays, 28; Absent, 0; Excused, 3.

Voting yea: Senators Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden,

Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senators Becker, Sheldon and Walsh.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 2803 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator Braun: "Thank you Mr. President. I would contend that Substitute House Bill No. 2803 violates Senate Rule No. 25, which requires the subject of the bill to be expressed in its title. I would like to make comments on this."

President Habib: "Senator Braun has objected to the scope of the bill under the title pursuant to rule no. 25. Remarks, Senator Braun."

Senator Braun: "Thank you, Mr. President. So, the title of this bill is very narrow and very specifically requires that the bill be consistent with the provisions in an MOU [Memorandum of Understanding] among the State, the Tulalip tribe and Snohomish County. Again, the title requires that the bill match the MOU, but the bill does not do this. The MOU says revenue sharing beyond the first \$500,000 won't take place until the fifth year but the bill allows revenue sharing beyond the first \$500,000 to take place earlier, specifically in less than four years after the signing of the compact. Therefore, the bill is inconsistent with the MOU referenced in the title. That means that Substitute House Bill No. 2803 violates Rule No. 25 because the title refers to a measure that follows the MOU and it doesn't follow the MOU. I don't know how to be more clear than that. I request that you hold that this bill violates Rule No. 25 and is not properly before us."

Senator Liias: "Thank you, Mr. President. If I could read the title of the bill, I guess I don't have to ask permission because it is from the bill. Mr. President it says in part that it authorizes the Governor to enter into compact with Indian tribes, addressing certain retail sales tax ...entered into by the State, Tulalip tribe and Snohomish County in January 2020 and including other terms necessary for the Department of Revenue to administer any such compact. Mr. President, in February of 2020, the Department of Revenue reached a clarification with the Tulalip tribes to the MOU that was signed in January 2020 and under the provisions of the title which say 'a memorandum of understanding entered into in January 2020 which took place and the title says including other terms necessary for the Department of Revenue to administer any such compact pursuant to that February 2020 clarification the bill before us is embraced in the title and I believe that this point is not well taken."

President Habib: "Okay, I'm not, there is already a point of order before us Senator Ericksen, so unless you have a...it is not a motion for one thing, thank you though for your opinion. There's, frankly, the President, it is not even required to allow for there to be point and counterpoint but I've done that because I think that is the right way to have at least one representative from

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each side. Senator Liias, I'm going to, I'm not familiar enough with the title and the content of this bill, despite having stood through God knows how many amendments tonight, I'm still not familiar enough, so I'm not in a position to make a ruling on it right at this moment. So, I'm going to ask that you and, Senator Liias and Senator Short, come up to the bar for one moment just to talk about the timing of this very briefly before we continue."

MOTION

At 10:44 p.m. the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:45 p.m. by President Habib.

MOTION

On motion of Senator Liias, the senate deferred further consideration of Substitute House Bill No. 2803 and the bill held its place on the third reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1251, by House Committee on State Government & Tribal Relations (originally sponsored by Tarleton, Hudgins and Wylie)

Concerning security breaches of election systems or election data including by foreign entities.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that public confidence in state elections systems and election data are of paramount consideration to the integrity of the voting process. The legislature also finds that recent events have revealed an intentional and persistent effort by foreign entities to influence election systems and other cyber networks. Therefore, the legislature intends to review the state's electoral systems and processes and take appropriate measures to identify whether foreign entities were responsible for the intrusions.

NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.12 RCW to read as follows:

(1) The secretary of state must annually consult with the Washington state fusion center, state chief information officer, and each county auditor to identify instances of security breaches of election systems or election data.

(2) To the extent possible, the secretary of state must identify whether the source of a security breach, if any, is a foreign entity, domestic entity, or both.

(3) By December 31st of each year, the secretary of state must submit a report to the governor, state chief information officer, Washington state fusion center, and the chairs and ranking members of the appropriate legislative committees from the

senate and house of representatives that includes information on any instances of security breaches identified under subsection (1) of this section and options to increase the security of the election systems and election data, and to prevent future security breaches. The report, and any related material, data, or information provided pursuant to subsection (1) of this section or used to assemble the report, may only be distributed to, or otherwise shared with, the individuals specifically mentioned in this subsection (3).

(4) For the purposes of this section:

(a) "Foreign entity" means an entity that is not organized or formed under the laws of the United States, or a person who is not domiciled in the United States or a citizen of the United States.

(b) "Security breach" means a breach of the election system or associated data where the system or associated data has been penetrated, accessed, or manipulated by an unauthorized person.

Sec. 3. RCW 29A.12.070 and 2003 c 111 s 307 are each amended to read as follows:

An agreement to purchase or lease a voting system or a component of a voting system is subject to that system or component passing ~~((and))~~:

(1) An acceptance test sufficient to demonstrate that the equipment is the same as that certified by the secretary of state and that the equipment is operating correctly as delivered to the county; and

(2) A vulnerability test conducted by a federal or state public entity which includes participation by local elections officials."

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "amending RCW 29A.12.070; adding a new section to chapter 29A.12 RCW; and creating a new section."

MOTION

Senator Zeiger moved that the following floor amendment no. 1257 by Senator Zeiger be adopted:

On page 2, after line 20, insert the following:

"Sec. 4. RCW 29A.40.091 and 2019 c 161 s 3 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor.

(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election

or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. ~~((Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.))~~

(5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.

(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.

Sec. 5. RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and 2011 c 10 s 41 are each reenacted and amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until processing. Ballots may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) The canvassing board, or its designated representatives, shall examine the postmark on the return envelope and signature on the declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary or election, or must be postmarked no later than the day of the primary or election. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. Personnel shall verify that the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. A variation between the signature of the voter on the ballot declaration and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(4) If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. ~~((Any overseas voter or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot.))~~

Sec. 6. RCW 29A.60.235 and 2018 c 218 s 9 are each amended to read as follows:

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

- (a) The number of registered voters;
- (b) The number of ballots issued;
- (c) The number of ballots received;
- (d) The number of ballots counted;
- (e) The number of ballots rejected;
- (f) The number of provisional ballots issued;
- (g) The number of provisional ballots received;
- (h) The number of provisional ballots counted;

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

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

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

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

(c) The state report must also include an analysis of the data that can be used to develop a better understanding of election administration and policy. The analysis must combine data, as available, over multiple years to provide broader comparisons and trends regarding voter registration and turnout and ballot counting. The analysis must incorporate national election statistics to the extent such information is available."

On page 2, line 22, after "29A.12.070" insert ", 29A.40.091, and 29A.60.235; reenacting and amending RCW 29A.40.110"

Senators Zeiger and Braun spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the

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adoption of floor amendment no. 1257 by Senator Zeiger on page 2, after line 20 to the committee striking amendment.

The motion by Senator Zeiger did not carry and floor amendment no. 1257 was not adopted by a rising vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government, Tribal Relations & Elections to Substitute House Bill No. 1251.

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

MOTION

On motion of Senator Hunt, the rules were suspended, Substitute House Bill No. 1251 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Braun spoke in favor of passage of the bill. Senator Zeiger spoke on passage of the bill.

MOTION

On motion of Senator Mullet, Senators Conway and McCoy were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1251 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1251 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Becker, Conway, McCoy, Sheldon and Walsh

SUBSTITUTE HOUSE BILL NO. 1251, 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. 2421, by House Committee on Appropriations (originally sponsored by Tarleton, Pollet and Doglio)

Concerning state reimbursement of election costs.

The measure was read the second time.

MOTION

Senator Hunt 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 29A.04.410 and 2013 c 11 s 10 are each amended to read as follows:

Every county, city, town, and district, and the state is liable for its proportionate share of the costs when such elections are held in conjunction with other elections held under RCW 29A.04.321 and 29A.04.330.

Whenever any county, city, town, or district, or the state holds any primary or election, general or special, on an isolated date, all costs of such elections must be borne by the county, city, town, or district concerned, or the state as appropriate.

The purpose of this section is to clearly establish that the county is not responsible for any costs involved in the holding of any city, town, ~~((or))~~ district, state, or federal election.

In recovering such election expenses, including a reasonable ~~((pro-ration))~~ proration of administrative costs, the county auditor shall certify the cost to the county treasurer with a copy to the clerk or auditor of the city, town, or district concerned, or the secretary of state as appropriate. Upon receipt of such certification relating to a city, town, or district, the county treasurer shall make the transfer from any available and appropriate city, town, or district funds to the county current expense fund or to the county election reserve fund if such a fund is established. Each city, town, or district must be promptly notified by the county treasurer whenever such transfer has been completed. However, in those districts wherein a treasurer, other than the county treasurer, has been appointed such transfer procedure does not apply, but the district shall promptly issue its warrant for payment of election costs. State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

Sec. 2. RCW 29A.04.420 and 2019 c 161 s 2 are each amended to read as follows:

(1) Whenever federal officers, state officers, or measures are voted upon at a state primary or general election held ~~((in an odd-numbered year))~~ under RCW 29A.04.321, the state of Washington shall assume a prorated share of the costs of that state primary or general election~~((-~~

~~((2) The state shall reimburse counties for))~~ for the federal and state offices and measures, including the prorated cost of return postage, required to be included on return envelopes pursuant to RCW 29A.40.091~~((,- for all elections))~~.

~~((3))~~ (2) Whenever a primary or vacancy election is held to fill a vacancy in the position of United States senator or United States representative under chapter 29A.28 RCW, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

~~((4))~~ (3) The county auditor shall apportion the state's share of these expenses when prorating election costs under RCW 29A.04.410 and in accordance with the state budgeting, accounting, and reporting system, shall file such expense claims with the secretary of state.

~~((5))~~ (4) The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out this section. Reimbursements for election costs shall be from appropriations specifically provided by law for that purpose.

(5) State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

Sec. 3. RCW 29A.04.216 and 2013 c 11 s 7 are each amended to read as follows:

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be the county auditor's duty to provide places for holding

such primaries and elections; to provide the supplies and materials necessary for the conduct of elections; and to publish and post notices of calling such primaries and elections in the manner provided by law. The auditor shall also apportion to the county, each city, town, or district, and to the state of Washington ~~((in the odd-numbered year))~~, its share of the expense of such primaries and elections. This section does not apply to general or special elections for any city, town, or district that is not subject to RCW 29A.04.321 and 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections. State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

Sec. 4. RCW 29A.04.430 and 2003 c 111 s 148 are each amended to read as follows:

(1) For any reimbursement of election costs under RCW 29A.04.420, the secretary of state shall pay ~~((interest at an annual rate equal to two percentage points in excess of the discount rate on ninety day commercial paper in effect at the federal reserve bank in San Francisco on the fifteenth day of the month immediately preceding the payment for any period of time in excess of))~~ within thirty days after the receipt of a properly executed and documented voucher for such expenses and the entry of an allotment from specifically appropriated funds for this purpose until those funds are exhausted. If funds appropriated for this purpose are not sufficient to pay all claims, the secretary of state shall include a budget request to the legislature during the next legislative session for sufficient funds for reimbursement of all remaining claims and shall pay all properly executed and documented vouchers to the counties within thirty days of allotment of specifically appropriated funds for this purpose. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29A.04.420.

(2) Funding provided in this section to counties for election costs in even-numbered years is retrospective and prospective reimbursement under RCW 43.135.060 for any new or increased responsibilities under this title.

Sec. 5. RCW 29A.64.081 and 2004 c 271 s 181 are each amended to read as follows:

The canvassing board shall determine the expenses for conducting a recount of votes.

~~((The))~~ (1) For a recount conducted under RCW 29A.64.011, the cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the canvassing board from the deposit for a recount if the recount changes the result of the nomination or election for which the recount was ordered.

(2) For a recount conducted under RCW 29A.64.021, for an office where the candidates filed the declarations of candidacy with the secretary of state, any legislative office, and any congressional office, the county auditor shall file an expense claim for such costs with the secretary of state. The secretary of state shall include a budget request to the legislature during the next legislative session for sufficient funds for reimbursement of all costs of the recount and shall pay all properly executed and documented vouchers to the counties within thirty days of allotment of specifically appropriated funds for this purpose. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under this section.

(3) State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

Sec. 6. RCW 29A.32.210 and 2013 c 11 s 38 are each amended to read as follows:

~~((At least ninety days before))~~ Before any primary or general election, or ~~((at least forty days before))~~ any special election held under RCW 29A.04.321 or 29A.04.330, ~~((the legislative authority of any county or first class or code city may adopt an ordinance authorizing the publication and distribution of))~~ each county auditor shall print and distribute a local voters' pamphlet. The pamphlet shall provide information on all measures ((within that jurisdiction and may, if specified in the ordinance, include information on)) and candidates within that jurisdiction. ~~((If both a county and a first class or code city within that county authorize a local voters' pamphlet for the same election, the pamphlet shall be produced jointly by the county and the first class or code city. If no agreement can be reached between the county and first class or code city, the county and first class or code city may each produce a pamphlet. Any ordinance adopted authorizing a local voters' pamphlet may be for a specific primary, special election, or general election or for any future primaries or elections.))~~ The format of any local voters' pamphlet shall, whenever applicable, comply with the provisions of this chapter regarding the publication of the state candidates' and voters' pamphlets.

NEW SECTION. Sec. 7. This act takes effect July 1, 2021."

On page 1, line 1 of the title, after "costs;" strike the remainder of the title and insert "amending RCW 29A.04.410, 29A.04.420, 29A.04.216, 29A.04.430, 29A.64.081, and 29A.32.210; and providing an effective date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2421.

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

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 2421 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2421 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2421 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

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

Voting nay: Senators Ericksen and Padden

Excused: Senators Becker, Conway, McCoy, Sheldon and Walsh

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421 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 State Government, Tribal Relations & Elections at 8:00 a.m., Thursday, March 6.

Senator Carlyle announced a brief meeting of the Committee on Environment, Energy & Technology at 8:45 a.m., Thursday, March 6.

MOTION

At 11:08 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Thursday, March 5, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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Bendickson, Mr. Michael, Sons of the
 American Revolution 1

Dolan, Mr. Art, Sons of the American
 Revolution..... 1

Moore, Mr. Michael, Sons of the American
 Revolution..... 1

Sons of the American Revoluiton Color
 Guard..... 1

GUESTS

Anderson, Mr. Gordon, Family of 2

Anderson, Ms. Gena 2

Burton, Mr. Walter, Supreme Court Deputy
 Commissioner 2

Carlson, Ms. Susan, Washington State
 Supreme Court Clerk 2

Johnston, Mr. Michael, Supreme Court
 Commissioner 2

Pekelis, Justice Rosselle, Family of 2

Retman, Mr. Frank spouse of Justice Rosselle
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Thompson, Mr. Sam, Reporter of Decisions,
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