
ENGROSSED SUBSTITUTE HOUSE BILL 2527

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives McDonald, Constantine and Hickel; by request of Statute Law Committee)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to making technical corrections to the Revised Code
2 of Washington; amending RCW 9A.40.060, 10.99.045, 42.17.160,
3 43.160.076, 82.14.370, and 48.43.115; reenacting and amending RCW
4 43.160.210; providing an effective date; and providing an expiration
5 date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 9A.40.060 and 1994 c 162 s 1 are each amended to read
8 as follows:

9 (1) A relative of a child under the age of eighteen or of an
10 incompetent person is guilty of custodial interference in the first
11 degree if, with the intent to deny access to the child or incompetent
12 person by a parent, guardian, institution, agency, or other person
13 having a lawful right to physical custody of such person, the relative
14 takes, entices, retains, detains, or conceals the child or incompetent
15 person from a parent, guardian, institution, agency, or other person
16 having a lawful right to physical custody of such person and:

17 (a) Intends to hold the child or incompetent person permanently or
18 for a protracted period; or

1 (b) Exposes the child or incompetent person to a substantial risk
2 of illness or physical injury; or

3 (c) Causes the child or incompetent person to be removed from the
4 state of usual residence; or

5 (d) Retains, detains, or conceals the child or incompetent person
6 in another state after expiration of any authorized visitation period
7 with intent to intimidate or harass a parent, guardian, institution,
8 agency, or other person having lawful right to physical custody or to
9 prevent a parent, guardian, institution, agency, or other person with
10 lawful right to physical custody from regaining custody.

11 (2) A parent of a child is guilty of custodial interference in the
12 first degree if the parent takes, entices, retains, detains, or
13 conceals the child, with the intent to deny access, from the other
14 parent having the lawful right to time with the child pursuant to a
15 court-ordered parenting plan, and:

16 (a) Intends to hold the child permanently or for a protracted
17 period; or

18 (b) Exposes the child to a substantial risk (~~(or [of])~~) of illness
19 or physical injury; or

20 (c) Causes the child to be removed from the state of usual
21 residence.

22 (3) A parent or other person acting under the directions of the
23 parent is guilty of custodial interference in the first degree if the
24 parent or other person intentionally takes, entices, retains, or
25 conceals a child, under the age of eighteen years and for whom no
26 lawful custody order or parenting plan has been entered by a court of
27 competent jurisdiction, from the other parent with intent to deprive
28 the other parent from access to the child permanently or for a
29 protracted period.

30 (4) Custodial interference in the first degree is a class C felony.

31 EXPLANATORY NOTE:

32 This bill changes the word "or" to "of," correcting an error made in
33 1994 c 162 s 1, which was intended to have the language in subsection
34 (2)(b) parallel the language in subsection (1)(b).

35 **Sec. 2.** RCW 10.99.045 and 1994 sp.s. c 7 s 450 are each amended to
36 read as follows:

1 (1) A defendant arrested for an offense involving domestic violence
2 as defined by RCW 10.99.020(~~(+2)~~) shall be required to appear in
3 person before a magistrate within one judicial day after the arrest.

4 (2) A defendant who is charged by citation, complaint, or
5 information with an offense involving domestic violence as defined by
6 RCW 10.99.020(~~(+2)~~) and not arrested shall appear in court for
7 arraignment in person as soon as practicable, but in no event later
8 than fourteen days after the next day on which court is in session
9 following the issuance of the citation or the filing of the complaint
10 or information.

11 (3) At the time of the appearances provided in subsection (1) or
12 (2) of this section, the court shall determine the necessity of
13 imposing a no-contact order or other conditions of pretrial release
14 according to the procedures established by court rule for a preliminary
15 appearance or an arraignment. The court may include in the order any
16 conditions authorized under RCW 9.41.800.

17 (4) Appearances required pursuant to this section are mandatory and
18 cannot be waived.

19 (5) The no-contact order shall be issued and entered with the
20 appropriate law enforcement agency pursuant to the procedures outlined
21 in RCW 10.99.040 (2) and (4).

22 EXPLANATORY NOTE:

23 RCW 10.99.020 was amended by 1995 c 246 s 21, changing subsection (2)
24 to subsection (3), but 1995 c 246 failed to make the corresponding
25 cross-reference change required in RCW 10.99.045. This bill corrects
26 the cross-reference by deleting the reference to the specific
27 subsection. Since "domestic violence" is defined in RCW 10.99.020
28 regardless of which subsection number the definition is in, this allows
29 subsequent amendments to RCW 10.99.020 without requiring clean-ups to
30 RCW 10.99.045.

31 **Sec. 3.** RCW 42.17.160 and 1995 c 397 s 32 are each amended to read
32 as follows:

33 The following persons and activities shall be exempt from
34 registration and reporting under RCW 42.17.150, 42.17.170, and
35 42.17.200:

1 (1) Persons who limit their lobbying activities to appearing before
2 public sessions of committees of the legislature, or public hearings of
3 state agencies;

4 (2) Activities by lobbyists or other persons whose participation
5 has been solicited by an agency under RCW 34.05.310(2);

6 (3) News or feature reporting activities and editorial comment by
7 working members of the press, radio, or television and the publication
8 or dissemination thereof by a newspaper, book publisher, regularly
9 published periodical, radio station, or television station;

10 (4) Persons who lobby without compensation or other consideration
11 for acting as a lobbyist: PROVIDED, Such person makes no expenditure
12 for or on behalf of any member of the legislature or elected official
13 or public officer or employee of the state of Washington in connection
14 with such lobbying. The exemption contained in this subsection is
15 intended to permit and encourage citizens of this state to lobby any
16 legislator, public official, or state agency without incurring any
17 registration or reporting obligation provided they do not exceed the
18 limits stated above. Any person exempt under this subsection (4) may
19 at his or her option register and report under this chapter;

20 (5) Persons who restrict their lobbying activities to no more than
21 four days or parts thereof during any three-month period and whose
22 total expenditures during such three-month period for or on behalf of
23 any one or more members of the legislature or state elected officials
24 or public officers or employees of the state of Washington in
25 connection with such lobbying do not exceed twenty-five dollars:
26 PROVIDED, That the commission shall promulgate regulations to require
27 disclosure by persons exempt under this subsection or their employers
28 or entities which sponsor or coordinate the lobbying activities of such
29 persons if it determines that such regulations are necessary to prevent
30 frustration of the purposes of this chapter. Any person exempt under
31 this subsection (5) may at his or her option register and report under
32 this chapter;

33 (6) The governor;

34 (7) The lieutenant governor;

35 (8) Except as provided by RCW 42.17.190(1), members of the
36 legislature;

37 (9) Except as provided by RCW 42.17.190(1), persons employed by the
38 legislature for the purpose of aiding in the preparation or enactment
39 of legislation or the performance of legislative duties;

1 (10) Elected officials, and officers and employees of any agency
2 reporting under RCW 42.17.190(~~((4) as now or hereafter amended))~~(5).

3 EXPLANATORY NOTE:

4 RCW 42.17.190 was amended by 1986 c 239 s 1, changing subsection (4) to
5 subsection (5). The current subsection (5) is the subsection that
6 requires reporting of lobbying by state agencies. This bill corrects
7 the cross-reference to that subsection.

8 **Sec. 4.** RCW 43.160.076 and 1997 c 367 s 9 are each amended to read
9 as follows:

10 (1) Except as authorized to the contrary under subsection (2) of
11 this section, from all funds available to the board for financial
12 assistance in a biennium, the board shall spend at least seventy-five
13 percent for financial assistance for projects in distressed counties or
14 rural natural resources impact areas. For purposes of this section,
15 the term "distressed counties" includes any county, in which the
16 average level of unemployment for the three years before the year in
17 which an application for financial assistance is filed, exceeds the
18 average state ~~((employment))~~ unemployment for those years by twenty
19 percent.

20 (2) If at any time during the last six months of a biennium the
21 board finds that the actual and anticipated applications for qualified
22 projects in distressed counties or rural natural resources impact areas
23 are clearly insufficient to use up the seventy-five percent allocation,
24 then the board shall estimate the amount of the insufficiency and
25 during the remainder of the biennium may use that amount of the
26 allocation for financial assistance to projects not located in
27 distressed counties or rural natural resources impact areas.

28 (3) This section expires June 30, 2000.

29 EXPLANATORY NOTE:

30 The formula for determining the threshold unemployment level for the
31 definition of "distressed counties" was erroneously copied for use in
32 1985 chapter 446 section 6. This bill changes the word "employment" to
33 the correct word in the formula, "unemployment."

34 This bill also corrects drafting errors in the delayed repeal of RCW
35 43.160.076. Although the delayed repeal of RCW 43.160.076 has been
36 amended several times, most recently in 1997 c 367 s 10 that changed

1 the date of the section's repeal to June 30, 2000, these amendments
2 have not included in the repeal's list of affected laws any session
3 laws after 1991. The new subsection (3) in this bill expires the
4 entire section June 30, 2000. This means that all session laws that
5 affect the section, including any amending this section in the future,
6 are now included in the expiration.

7 **Sec. 5.** RCW 43.160.210 and 1996 c 290 s 1 and 1996 c 51 s 10 are
8 each reenacted and amended to read as follows:

9 (1) Except as authorized to the contrary under subsection (2) of
10 this section, from all funds available to the board for financial
11 assistance, the board shall designate at least twenty percent for
12 financial assistance for projects in distressed counties. For purposes
13 of this section, the term "distressed counties" includes any county, in
14 which: (a) The average level of unemployment for the three years
15 before the year in which an application for financial assistance is
16 filed, exceeds the average state (~~employment~~) unemployment for those
17 years by twenty percent; or (b) a county that has a median household
18 income that is less than seventy-five percent of the state median
19 household income for the previous three years.

20 (2) If at any time during the last six months of a biennium the
21 board finds that the actual and anticipated applications for qualified
22 projects in distressed counties are clearly insufficient to use up the
23 twenty percent allocation, then the board shall estimate the amount of
24 the insufficiency and during the remainder of the biennium may use that
25 amount of the allocation for financial assistance for projects not
26 located in distressed counties.

27 EXPLANATORY NOTE:

28 The formula for determining the threshold unemployment level for the
29 definition of "distressed counties" was erroneously copied for use in
30 1991 c 314 s 25. This bill changes the word "employment" to the
31 correct word in the formula, "unemployment."

32 RCW 43.160.210 was also amended by 1996 c 51 s 10 and by 1996 c 290 s
33 1, each without reference to the other. Both amendments are
34 incorporated and reenacted in this bill.

35 **Sec. 6.** RCW 82.14.370 and 1997 c 366 s 3 are each amended to read
36 as follows:

1 (1) The legislative authority of a distressed county may impose a
2 sales and use tax in accordance with the terms of this chapter. The
3 tax is in addition to other taxes authorized by law and shall be
4 collected from those persons who are taxable by the state under
5 chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event
6 within the county. The rate of tax shall not exceed 0.04 percent of
7 the selling price in the case of a sales tax or value of the article
8 used in the case of a use tax.

9 (2) The tax imposed under subsection (1) of this section shall be
10 deducted from the amount of tax otherwise required to be collected or
11 paid over to the department of revenue under chapter 82.08 or 82.12
12 RCW. The department of revenue shall perform the collection of such
13 taxes on behalf of the county at no cost to the county.

14 (3) Moneys collected under this section shall only be used for the
15 purpose of financing public facilities in rural counties.

16 (4) No tax may be collected under this section before July 1, 1998.
17 No tax may be collected under this section by a county more than
18 twenty-five years after the date that a tax is first imposed under this
19 section.

20 (5) For purposes of this section, "distressed county" means a
21 county in which the average level of unemployment for the three years
22 before the year in which a tax is first imposed under this section
23 exceeds the average state ((~~employment~~)) unemployment for those years
24 by twenty percent.

25 EXPLANATORY NOTE:

26 The formula for determining the threshold unemployment level for the
27 definition of "distressed county" was erroneously copied for use in
28 1997 c 366 s 3. This bill changes the word "employment" to the correct
29 word in the formula, "unemployment."

30 **Sec. 7.** RCW 48.43.115 and 1996 c 281 s 1 are each amended to read
31 as follows:

32 (1) The legislature recognizes the role of health care providers as
33 the appropriate authority to determine and establish the delivery of
34 quality health care services to maternity patients and their newly born
35 children. It is the intent of the legislature to recognize patient
36 preference and the clinical sovereignty of providers as they make
37 determinations regarding services provided and the length of time

1 individual patients may need to remain in a health care facility after
2 giving birth. It is not the intent of the legislature to diminish a
3 carrier's ability to utilize managed care strategies but to ensure the
4 clinical judgment of the provider is not undermined by restrictive
5 carrier contracts or utilization review criteria that fail to recognize
6 individual postpartum needs.

7 (2) Unless otherwise specifically provided, the following
8 definitions apply throughout this section:

9 (a) "Attending provider" means a provider who: Has clinical
10 hospital privileges consistent with RCW 70.43.020; is included in a
11 provider network of the carrier that is providing coverage; and is a
12 physician licensed under chapter 18.57 or 18.71 RCW, a certified nurse
13 midwife licensed under chapter 18.79 RCW, a midwife licensed under
14 chapter 18.50 RCW, a physician's assistant licensed under chapter
15 18.57A or 18.71A RCW, or an advanced registered nurse practitioner
16 licensed under chapter 18.79 RCW.

17 (b) "Health carrier" or "carrier" means disability insurers
18 regulated under chapter 48.20 or 48.21 RCW, health care services
19 contractors regulated under chapter 48.44 RCW, health maintenance
20 organizations regulated under chapter 48.46 RCW, plans operating under
21 the health care authority under chapter 41.05 RCW, the state health
22 insurance pool operating under chapter 48.41 RCW, and insuring entities
23 regulated under this chapter.

24 (3)(a) Every health carrier that provides coverage for maternity
25 services must permit the attending provider, in consultation with the
26 mother, to make decisions on the length of inpatient stay, rather than
27 making such decisions through contracts or agreements between
28 providers, hospitals, and insurers. These decisions must be based on
29 accepted medical practice.

30 (b) Covered eligible services may not be denied for inpatient,
31 postdelivery care to a mother and her newly born child after a vaginal
32 delivery or a cesarean section delivery for such care as ordered by the
33 attending provider in consultation with the mother.

34 (c) At the time of discharge, determination of the type and
35 location of follow-up care(~~(, including in-person care,)~~) must be made
36 by the attending provider in consultation with the mother rather than
37 by contract or agreement between the hospital and the insurer. These
38 decisions must be based on accepted medical practice.

1 (d) Covered eligible services may not be denied for follow-up care,
2 including in-person care, as ordered by the attending provider in
3 consultation with the mother. Coverage for providers of follow-up
4 services must include, but need not be limited to, attending providers
5 as defined in this section, home health agencies licensed under chapter
6 70.127 RCW, and registered nurses licensed under chapter 18.79 RCW.

7 (e) Nothing in this section shall be construed to require attending
8 providers to authorize care they believe to be medically unnecessary.

9 ~~((+f))~~ (4) Coverage for the newly born child must be no less than
10 the coverage of the child's mother for no less than three weeks, even
11 if there are separate hospital admissions.

12 ~~((+4))~~ (5) No carrier that provides coverage for maternity
13 services may deselect, terminate the services of, require additional
14 documentation from, require additional utilization review of, reduce
15 payments to, or otherwise provide financial disincentives to any
16 attending provider or health care facility solely as a result of the
17 attending provider or health care facility ordering care consistent
18 with the provisions of this section. Nothing in this section shall be
19 construed to prevent any insurer from reimbursing an attending provider
20 or health care facility on a capitated, case rate, or other financial
21 incentive basis.

22 ~~((+5))~~ (6) Every carrier ~~((that provides coverage for maternity
23 services))~~ must provide notice to policyholders regarding the coverage
24 required under this section. The notice must be in writing and must be
25 transmitted at the earliest of the next mailing to the policyholder,
26 the yearly summary of benefits sent to the policyholder, or January 1
27 of the year following June 6, 1996.

28 ~~((+6))~~ (7) This section is not intended to establish a standard of
29 medical care.

30 ~~((+7))~~ (8) This section shall apply to coverage ~~((for maternity
31 services))~~ under a contract issued or renewed by a health carrier after
32 June 6, 1996, and shall apply to plans operating under the health care
33 authority under chapter 41.05 RCW beginning January 1, 1998.

34 NEW SECTION. **Sec. 8.** Section 5 of this act takes effect June 30,
35 2000.

36 EXPLANATORY NOTE:

1 RCW 43.160.210, amended in section 5 of this act, has a delayed
2 effective date of June 30, 2000. This section makes this bill
3 consistent with that effective date.

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