

SB 5399 - H COMM AMD
By Committee on Local Government

NOT CONSIDERED 01/05/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 35.21.920 and 2010 c 47 s 2 are each amended to
4 read as follows:

5 (1) For the purpose of receiving criminal history record
6 information by city or town officials, cities or towns (~~may, by~~
7 ~~ordinance, require a~~) shall establish by ordinance the requirements
8 for a:

9 (a) State and federal background investigation of license
10 applicants or licensees in occupations specified by ordinance (~~for~~
11 ~~the purpose of receiving criminal history record information by city~~
12 ~~or town officials~~);

13 (b) Federal background investigation of city or town employees,
14 applicants for employment, volunteers, vendors, and independent
15 contractors, who, in the course of their work or volunteer activity
16 with the city or town, may have unsupervised access to children,
17 persons with developmental disabilities, or vulnerable adults;

18 (c) State criminal background investigation of city or town
19 employees, applicants for employment, volunteers, vendors, and
20 independent contractors, who, in the course of their work or
21 volunteer activity with the city or town, may have unsupervised
22 access to children, persons with developmental disabilities, or
23 vulnerable adults; and

24 (d) Criminal background investigation conducted through a private
25 organization of city or town employees, applicants for employment,
26 volunteers, vendors, and independent contractors, who, in the course
27 of their work or volunteer activity with the city or town, may have
28 unsupervised access to children, persons with developmental
29 disabilities, or vulnerable adults.

30 (2) The investigation conducted under subsection (1)(a) through
31 (c) of this section shall consist of a background check as allowed
32 through the Washington state criminal records privacy act under RCW

1 10.97.050, the Washington state patrol criminal identification system
2 under RCW 43.43.832 through 43.43.834, and the federal bureau of
3 investigation. ((These))

4 (3) The background checks conducted under subsection (1)(a)
5 through (c) of this section must be done through the Washington state
6 patrol identification and criminal history section and may include a
7 national check from the federal bureau of investigation, which shall
8 be through the submission of fingerprints. The Washington state
9 patrol shall serve as the sole source for receipt of fingerprint
10 submissions and the responses to the submissions from the federal
11 bureau of investigation, which must be disseminated to the city or
12 town.

13 (4) For a criminal background check conducted under subsection
14 (1)(a) through (c) of this section, the city or town shall transmit
15 appropriate fees for a state and national criminal history check to
16 the Washington state patrol, unless alternately arranged. The cost of
17 investigations conducted under this section shall be borne by the
18 city or town, unless the city's or town's budget limits its ability
19 to reasonably absorb such costs. Any fingerprinting costs may be
20 borne by the applicant, although an agency may agree to absorb those
21 costs or reimburse the applicant for those costs upon hire.

22 (5) The authority for background checks outlined in this section
23 is in addition to any other authority for such checks provided by
24 law.

25 **Sec. 2.** RCW 35A.21.370 and 2010 c 47 s 3 are each amended to
26 read as follows:

27 (1) For the purpose of receiving criminal history record
28 information by code city officials, code cities ((may, by ordinance,
29 require a)) shall establish by ordinance the requirements for a:

30 (a) State and federal background investigation of license
31 applicants or licensees in occupations specified by ordinance ((for
32 the purpose of receiving criminal history record information by code
33 city officials));

34 (b) Federal background investigation of code city employees,
35 applicants for employment, volunteers, vendors, and independent
36 contractors, who, in the course of their work or volunteer activity
37 with the code city, may have unsupervised access to children, persons
38 with developmental disabilities, or vulnerable adults;

1 (c) State criminal background investigation of code city
2 employees, applicants for employment, volunteers, vendors, and
3 independent contractors, who, in the course of their work or
4 volunteer activity with the code city, may have unsupervised access
5 to children, persons with developmental disabilities, or vulnerable
6 adults; and

7 (d) Criminal background investigation conducted through a private
8 organization of code city employees, applicants for employment,
9 volunteers, vendors, and independent contractors, who, in the course
10 of their work or volunteer activity with the code city, may have
11 unsupervised access to children, persons with developmental
12 disabilities, or vulnerable adults.

13 (2) The investigation conducted under subsection (1)(a) through
14 (c) of this section shall consist of a background check as allowed
15 through the Washington state criminal records privacy act under RCW
16 10.97.050, the Washington state patrol criminal identification system
17 under RCW 43.43.832 through 43.43.834, and the federal bureau of
18 investigation. ((These))

19 (3) The background checks conducted under subsection (1)(a)
20 through (c) of this section must be done through the Washington state
21 patrol identification and criminal history section and may include a
22 national check from the federal bureau of investigation, which shall
23 be through the submission of fingerprints. The Washington state
24 patrol shall serve as the sole source for receipt of fingerprint
25 submissions and the responses to the submissions from the federal
26 bureau of investigation, which must be disseminated to the code city.

27 (4) For a criminal background check conducted under subsection
28 (1)(a) through (c) of this section, the code city shall transmit
29 appropriate fees for a state and national criminal history check to
30 the Washington state patrol, unless alternately arranged. The cost of
31 investigations conducted under this section shall be borne by the
32 code city, unless the code city's budget limits its ability to
33 reasonably absorb such costs. Any fingerprinting costs may be borne
34 by the applicant, although an agency may agree to absorb those costs
35 or reimburse the applicant for those costs upon hire.

36 (5) The authority for background checks outlined in this section
37 is in addition to any other authority for such checks provided by
38 law.

1 **Sec. 3.** RCW 36.01.300 and 2010 c 47 s 1 are each amended to read
2 as follows:

3 (1) For the purpose of receiving criminal history record
4 information by county officials, counties ((may, by ordinance,
5 require a)) shall establish by ordinance the requirements for a:

6 (a) State and federal background investigation of license
7 applicants or licensees in occupations specified by ordinance ((for
8 the purpose of receiving criminal history record information by
9 county officials));

10 (b) Federal background investigation of county employees,
11 applicants for employment, volunteers, vendors, and independent
12 contractors, who, in the course of their work or volunteer activity
13 with the county, may have unsupervised access to children, persons
14 with developmental disabilities, or vulnerable adults;

15 (c) State background investigation of county employees,
16 applicants for employment, volunteers, vendors, and independent
17 contractors, who, in the course of their work or volunteer activity
18 with the county, may have unsupervised access to children, persons
19 with developmental disabilities, or vulnerable adults; and

20 (d) Criminal background investigation conducted through a private
21 organization of county employees, applicants for employment,
22 volunteers, vendors, and independent contractors, who, in the course
23 of their work or volunteer activity with the county, may have
24 unsupervised access to children, persons with developmental
25 disabilities, or vulnerable adults.

26 (2) The investigation conducted under subsection (1)(a) through
27 (c) of this section shall consist of a background check as allowed
28 through the Washington state criminal records privacy act under RCW
29 10.97.050, the Washington state patrol criminal identification system
30 under RCW 43.43.832 through 43.43.834, and the federal bureau of
31 investigation. ((These))

32 (3) The background checks conducted under subsection (1)(a)
33 through (c) of this section must be done through the Washington state
34 patrol identification and criminal history section and may include a
35 national check from the federal bureau of investigation, which shall
36 be through the submission of fingerprints. The Washington state
37 patrol shall serve as the sole source for receipt of fingerprint
38 submissions and the responses to the submissions from the federal
39 bureau of investigation, which must be disseminated to the county.

1 (4) For a criminal background check conducted under subsection
2 (1)(a) through (c) of this section, the county shall transmit
3 appropriate fees for a state and national criminal history check to
4 the Washington state patrol, unless alternately arranged. The cost of
5 investigations conducted under this section shall be borne by the
6 county, unless the county's budget limits its ability to reasonably
7 absorb such costs. Any fingerprinting costs may be borne by the
8 applicant, although an agency may agree to absorb those costs or
9 reimburse the applicant for those costs upon hire.

10 (5) The authority for background checks outlined in this section
11 is in addition to any other authority for such checks provided by
12 law.

13 **Sec. 4.** RCW 35.61.130 and 2006 c 222 s 1 are each amended to
14 read as follows:

15 (1) A metropolitan park district has the right of eminent domain,
16 and may purchase, acquire and condemn lands lying within or without
17 the boundaries of said park district, for public parks, parkways,
18 boulevards, aviation landings and playgrounds, and may condemn such
19 lands to widen, alter and extend streets, avenues, boulevards,
20 parkways, aviation landings and playgrounds, to enlarge and extend
21 existing parks, and to acquire lands for the establishment of new
22 parks, boulevards, parkways, aviation landings and playgrounds. The
23 right of eminent domain shall be exercised and instituted pursuant to
24 resolution of the board of park commissioners and conducted in the
25 same manner and under the same procedure as is or may be provided by
26 law for the exercise of the power of eminent domain by incorporated
27 cities and towns of the state of Washington in the acquisition of
28 property rights: PROVIDED, HOWEVER, Funds to pay for condemnation
29 allowed by this section shall be raised only as specified in this
30 chapter.

31 (2) The board of park commissioners shall have power to employ
32 counsel, and to regulate, manage and control the parks, parkways,
33 boulevards, streets, avenues, aviation landings and playgrounds under
34 its control, and to provide for park police, for a secretary of the
35 board of park commissioners and for all necessary employees, to fix
36 their salaries and duties.

37 (3) The board of park commissioners shall have power to improve,
38 acquire, extend and maintain, open and lay out, parks, parkways,
39 boulevards, avenues, aviation landings and playgrounds, within or

1 without the park district, and to authorize, conduct and manage the
2 letting of boats, or other amusement apparatus, the operation of bath
3 houses, the purchase and sale of foodstuffs or other merchandise, the
4 giving of vocal or instrumental concerts or other entertainments, the
5 establishment and maintenance of aviation landings and playgrounds,
6 and generally the management and conduct of such forms of recreation
7 or business as it shall judge desirable or beneficial for the public,
8 or for the production of revenue for expenditure for park purposes;
9 and may pay out moneys for the maintenance and improvement of any
10 such parks, parkways, boulevards, avenues, aviation landings and
11 playgrounds as now exist, or may hereafter be acquired, within or
12 without the limits of said city and for the purchase of lands within
13 or without the limits of said city, whenever it deems the purchase to
14 be for the benefit of the public and for the interest of the park
15 district, and for the maintenance and improvement thereof and for all
16 expenses incidental to its duties: PROVIDED, That all parks,
17 boulevards, parkways, aviation landings and playgrounds shall be
18 subject to the police regulations of the city within whose limits
19 they lie.

20 ~~(4) ((For all employees, volunteers, or independent contractors,~~
21 ~~who may, in the course of their work or volunteer activity with the~~
22 ~~park district, have unsupervised access to children or vulnerable~~
23 ~~adults, or be responsible for collecting or disbursing cash or~~
24 ~~processing credit/debit card transactions,))~~

25 (a) For the purpose of receiving criminal history record
26 information by metropolitan park districts, metropolitan park
27 districts shall establish by resolution the requirements for a:

28 (i) State and federal record check of park district employees,
29 applicants for employment, volunteers, vendors, and independent
30 contractors, who, in the course of their work or volunteer activity
31 with the park district, may:

32 (A) Have unsupervised access to children, persons with
33 developmental disabilities, or vulnerable adults; or

34 (B) Be responsible for collecting or disbursing cash or
35 processing credit/debit card transactions; and

36 (ii) Criminal background check conducted through a private
37 organization of park district employees, applicants for employment,
38 volunteers, vendors, and independent contractors, who, in the course
39 of their work or volunteer activity with the park district, may have

1 unsupervised access to children, persons with developmental
2 disabilities, or vulnerable adults.

3 (b) The investigation under (a)(i) of this subsection shall
4 consist of a background check as allowed through the Washington state
5 patrol criminal identification system under RCW 43.43.830 through
6 43.43.834, the Washington state criminal records act under RCW
7 10.97.030((7)) and 10.97.050, and ((through)) the federal bureau of
8 investigation((, including a fingerprint check using a complete
9 Washington state criminal identification fingerprint card)).

10 (c) The background checks conducted under (a)(i) of this
11 subsection must be done through the Washington state patrol
12 identification and criminal history section and may include a
13 national check from the federal bureau of investigation, which shall
14 be through the submission of fingerprints. The Washington state
15 patrol shall serve as the sole source for receipt of fingerprint
16 submissions and the responses to the submissions from the federal
17 bureau of investigation, which must be disseminated to the
18 metropolitan park district.

19 (d) The park district shall provide a copy of the record report
20 to the employee, volunteer, or independent contractor.

21 (e) When necessary, as determined by the park district,
22 prospective employees, volunteers, vendors, or independent
23 contractors may be employed on a conditional basis pending completion
24 of the investigation.

25 (f) If the prospective employee, volunteer, vendor, or
26 independent contractor has had a record check within the previous
27 twelve months, the park district may waive the requirement upon
28 receiving a copy of the record. ((The park district may in its
29 discretion require that the prospective employee, volunteer, or
30 independent contractor pay the costs associated with the record
31 check.))

32 (g) For background checks conducted pursuant to (c) of this
33 subsection, the metropolitan park district must transmit appropriate
34 fees, as the Washington state patrol may require under RCW 10.97.100
35 and 43.43.838, to the Washington state patrol, unless alternately
36 arranged. The cost of investigations conducted under this section
37 shall be borne by the park district, unless the park district's
38 budget limits its ability to reasonably absorb such costs. Any
39 fingerprinting costs may be borne by the applicant, although an

1 agency may agree to absorb those costs or reimburse the applicant for
2 those costs upon hire.

3 (h) The authority for background checks outlined in this section
4 is in addition to any other authority for such checks provided by
5 law."

6 Correct the title.

EFFECT: Requires cities, towns, code cities, and counties to establish by ordinance requirements for federal and state background checks, and background checks by a private organization, of specified persons. Requires metropolitan park districts to establish by resolution requirements for federal and state background checks, and background checks by a private organization, of specified persons. Provides that the cost of background investigations required by a city, town, code city, or metropolitan park district must be paid for by the city, town, code city, or metropolitan park district unless the agency's budget limits its ability to reasonably absorb the costs. Provides that fingerprinting costs may be borne by the applicant, but the costs may be paid for by the city, town, code city, or metropolitan park district, or the agency may reimburse the applicant for the costs upon hire.

--- END ---