

EHB 1620 - S COMM AMD
By Committee on Local Government

ADOPTED 04/11/2017

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((τ)):

7 (a) By ordinance, require a state and federal background
8 investigation of license applicants or licensees in occupations
9 specified by ordinance ((for the purpose of receiving criminal
10 history record information by city or town officials));

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

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

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

29 (2) The investigation conducted under subsection (1)(a) through
30 (c) of this section shall consist of a background check as allowed
31 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.

19 (5) The authority for background checks outlined in this section
20 is in addition to any other authority for such checks provided by
21 law.

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

24 (1) For the purpose of receiving criminal history record
25 information by code city officials, code cities may(~~, by~~
26 ordinance,)):

27 (a) Require a state and federal background investigation of
28 license applicants or licensees in occupations specified by ordinance
29 ((for the purpose of receiving criminal history record information by
30 code city officials)):

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

37 (c) Require a state criminal background investigation of code
38 city employees, applicants for employment, volunteers, vendors, and
39 independent contractors, who, in the course of their work or

1 volunteer activity with the code city, may have unsupervised access
2 to children, persons with developmental disabilities, or vulnerable
3 adults; and

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

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

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

24 (4) For a criminal background check conducted under subsection
25 (1)(a) through (c) of this section, the code city shall transmit
26 appropriate fees for a state and national criminal history check to
27 the Washington state patrol, unless alternately arranged. The cost of
28 investigations conducted under this section shall be borne by the
29 code city.

30 (5) The authority for background checks outlined in this section
31 is in addition to any other authority for such checks provided by
32 law.

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

35 (1) For the purpose of receiving criminal history record
36 information by county officials, counties may(~~, by ordinance,~~):

37 (a) Require a state and federal background investigation of
38 license applicants or licensees in occupations specified by ordinance

1 ((for the purpose of receiving criminal history record information by
2 county officials));

3 (b) Require a federal background investigation of county
4 employees, applicants for employment, volunteers, vendors, and
5 independent contractors, who, in the course of their work or
6 volunteer activity with the county, may have unsupervised access to
7 children, persons with developmental disabilities, or vulnerable
8 adults;

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

14 (d) Require a criminal background investigation conducted through
15 a private organization of county employees, applicants for
16 employment, volunteers, vendors, and independent contractors, who, in
17 the course of their work or volunteer activity with the county, may
18 have unsupervised access to children, persons with developmental
19 disabilities, or vulnerable adults.

20 (2) The investigation conducted under subsection (1)(a) through
21 (c) of this section shall consist of a background check as allowed
22 through the Washington state criminal records privacy act under RCW
23 10.97.050, the Washington state patrol criminal identification system
24 under RCW 43.43.832 through 43.43.834, and the federal bureau of
25 investigation. ((These))

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

34 (4) For a criminal background check conducted under subsection
35 (1)(a) through (c) of this section, the county shall transmit
36 appropriate fees for a state and national criminal history check to
37 the Washington state patrol, unless alternately arranged. The cost of
38 investigations conducted under this section shall be borne by the
39 county.

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

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

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

22 (2) The board of park commissioners shall have power to employ
23 counsel, and to regulate, manage and control the parks, parkways,
24 boulevards, streets, avenues, aviation landings and playgrounds under
25 its control, and to provide for park police, for a secretary of the
26 board of park commissioners and for all necessary employees, to fix
27 their salaries and duties.

28 (3) The board of park commissioners shall have power to improve,
29 acquire, extend and maintain, open and lay out, parks, parkways,
30 boulevards, avenues, aviation landings and playgrounds, within or
31 without the park district, and to authorize, conduct and manage the
32 letting of boats, or other amusement apparatus, the operation of bath
33 houses, the purchase and sale of foodstuffs or other merchandise, the
34 giving of vocal or instrumental concerts or other entertainments, the
35 establishment and maintenance of aviation landings and playgrounds,
36 and generally the management and conduct of such forms of recreation
37 or business as it shall judge desirable or beneficial for the public,
38 or for the production of revenue for expenditure for park purposes;
39 and may pay out moneys for the maintenance and improvement of any

1 such parks, parkways, boulevards, avenues, aviation landings and
2 playgrounds as now exist, or may hereafter be acquired, within or
3 without the limits of said city and for the purchase of lands within
4 or without the limits of said city, whenever it deems the purchase to
5 be for the benefit of the public and for the interest of the park
6 district, and for the maintenance and improvement thereof and for all
7 expenses incidental to its duties: PROVIDED, That all parks,
8 boulevards, parkways, aviation landings and playgrounds shall be
9 subject to the police regulations of the city within whose limits
10 they lie.

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

16 (a) For the purpose of receiving criminal history record
17 information by metropolitan park districts, metropolitan park
18 districts:

19 (i) Shall establish by resolution the requirements for a state
20 and federal record check of park district employees, applicants for
21 employment, volunteers, vendors, and independent contractors, who, in
22 the course of their work or volunteer activity with the park
23 district, may:

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

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

28 (ii) May require a criminal background check conducted through a
29 private organization of park district employees, applicants for
30 employment, volunteers, vendors, and independent contractors, who, in
31 the course of their work or volunteer activity with the park
32 district, may have unsupervised access to children, persons with
33 developmental disabilities, or vulnerable adults. A background check
34 conducted through a private organization under this subsection is not
35 required in addition to the requirement under (a)(i) of this
36 subsection.

37 (b) The investigation under (a)(i) of this subsection shall
38 consist of a background check as allowed through the Washington state
39 patrol criminal identification system under RCW 43.43.830 through
40 43.43.834, the Washington state criminal records act under RCW

1 10.97.030(~~(7)~~) and 10.97.050, and (~~through~~) the federal bureau of
2 investigation(~~(, including a fingerprint check using a complete~~
3 ~~Washington state criminal identification fingerprint card)~~).

4 (c) The background checks conducted under (a)(i) of this
5 subsection must be done through the Washington state patrol
6 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
12 metropolitan park district.

13 (d) The park district shall provide a copy of the record report
14 to the employee, prospective employee, volunteer, vendor, or
15 independent contractor.

16 (e) When necessary, as determined by the park district,
17 prospective employees, volunteers, vendors, or independent
18 contractors may be employed on a conditional basis pending completion
19 of the investigation.

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

27 (g) For background checks conducted pursuant to (c) of this
28 subsection, the metropolitan park district must transmit appropriate
29 fees, as the Washington state patrol may require under RCW 10.97.100
30 and 43.43.838, to the Washington state patrol, unless alternately
31 arranged.

32 (h) The authority for background checks outlined in this section
33 is in addition to any other authority for such checks provided by
34 law."

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1 On page 1, line 2 of the title, after "checks;" strike the
2 remainder of the title and insert "and amending RCW 35.21.920,
3 35A.21.370, 36.01.300, and 35.61.130."

EFFECT: Removes provisions allowing local governments to pass the cost of background checks to the subject of the investigation if the local government's budget limits its ability to reasonably absorb such costs.

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