

## SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

## FORTY EIGHTH DAY

House Chamber, Olympia, Saturday, February 27, 2021

The House was called to order at 9:30 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Dave Paul, 10th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 1548 by Representatives Klippert and Shewmake

AN ACT Relating to modifying the transportation electrification fee on hybrid vehicles; amending RCW 46.17.324; and creating a new section.

Referred to Committee on Transportation.

HB 1549 by Representatives Klippert and Dent

AN ACT Relating to child care licensing assistance; and adding a new section to chapter 43.216 RCW.

Referred to Committee on Children, Youth & Families.

HB 1550 by Representatives Pollet, Cody, Callan, Taylor, Duerr, Ryu, Valdez and Senn

AN ACT Relating to preventing nicotine addiction with an emphasis on youth and persons under 21 years of age and the funding of prevention, cessation, and public health services through the taxation of vapor and tobacco products containing nicotine; amending RCW 82.04.440, 82.25.005, 82.25.010, 82.25.015, 82.25.020, 82.25.075, 82.25.060, 82.25.080, and 82.32.145; reenacting and amending RCW 70.155.120; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.25 RCW; creating a new section; and providing effective dates.

Referred to Committee on Finance.

SSB 5035 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Nguyen, Billig, Carlyle, Darneille, Das, Hasegawa, Kuderer, Liias, Lovelett, Mullet, Pedersen, Rolfes, Saldaña, Salomon, Stanford, Wellman, Wilson and C.)

AN ACT Relating to offender scoring of drug offenses; and amending RCW 9.94A.525.

Referred to Committee on Public Safety.

ESSB 5038 by Senate Committee on Law & Justice (originally sponsored by Kuderer, Das, Carlyle, Darneille, Dhingra, Hunt, Liias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Wellman, Wilson and C.)

AN ACT Relating to prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol; reenacting and amending RCW 9.41.300; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

E2SSB 5051 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Dhingra, Darneille, Hunt, Kuderer, Liias, Lovelett, Mullet, Nguyen, Salomon, Stanford, Wellman, Wilson and C.)

AN ACT Relating to state oversight and accountability of peace officers and corrections officers; amending RCW 43.101.010, 43.101.020, 43.101.030, 43.101.040, 43.101.060, 43.101.080, 43.101.085, 43.101.095, 43.101.105, 43.101.115, 43.101.135, 43.101.145, 43.101.155, 43.101.157, 43.101.230, 43.101.390, 43.101.420, 34.12.035, 40.14.070, 43.101.380, 43.101.400, 41.56.905, 49.44.200, and 41.06.040; adding a new section to chapter 41.06 RCW; creating a new section; repealing RCW 43.101.096, 43.101.106, 43.101.116, 43.101.136, 43.101.146, 43.101.156, and 43.101.180; and prescribing penalties.

Referred to Committee on Appropriations.

SSB 5068 by Senate Committee on Ways & Means (originally sponsored by Randall, Rivers, Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Muzzall, Nguyen, Nobles, Saldaña, Salomon, Stanford, Warnick, Wilson and C.)

AN ACT Relating to improving maternal health outcomes by extending coverage during the postpartum period; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Appropriations.

ESSB 5119 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Hasegawa, Mullet, Nguyen, Robinson, Salomon, Wilson and C.)

AN ACT Relating to individuals in custody; adding a new section to chapter 72.09 RCW; adding a new section to chapter 43.06C RCW; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Appropriations.

SSB 5148 by Senate Committee on Law & Justice (originally sponsored by Frockt, Hunt, Billig, Darneille, Das, Hasegawa, Kuderer, Lovelett, Pedersen, Saldaña, Salomon, Wilson and C.)

AN ACT Relating to the harassment of election officials; amending RCW 9A.46.020; and prescribing penalties.

Referred to Committee on Public Safety.

SSB 5151 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Das, Kuderer, Nobles and Saldaña)

AN ACT Relating to foster care and child care licensing by the department of children, youth, and families; amending RCW 13.34.030, 43.216.015, 43.216.085, 43.216.087, 43.216.089, 43.216.250, 43.216.255, 43.216.260, 43.216.271, 43.216.280, 43.216.305, 43.216.325, 43.216.340, 43.216.360, 43.216.395, 43.216.515, 43.216.530, 43.216.650, 43.216.660, 43.216.685, 43.216.687, 43.216.689, 43.216.690, 43.216.700, 43.216.300, and 74.15.125; reenacting and amending RCW 43.216.010, 43.216.015, and 43.216.020; adding a new section to chapter 43.216 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Appropriations.

ESSB 5190 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Holy, Frockt, Conway, Hasegawa, Honeyford, Keiser, King, Lovelett, Randall, Salomon, Van De Wege, Warnick, Wilson, C., Wilson and J.)

AN ACT Relating to providing health care workers with presumptive benefits during a public health emergency; amending RCW 50.04.294, 50.20.010, 50.29.021, and 51.52.130; reenacting and amending RCW 50.20.050; adding a new section to chapter 50.04 RCW; adding new sections to chapter 51.32 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

ESSB 5193 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Conway, Keiser, Hasegawa, Wilson and C.)

AN ACT Relating to unemployment insurance systems enhancements, including creating a reserve force of unemployment claim adjudicators, effective and equitable claims processing, and transparent performance metrics; adding new sections to chapter 50.12 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

ESSB 5251 by Senate Committee on Ways & Means (originally sponsored by Schoesler, Brown, Dozier, Gildon, Honeyford, King and Rolfes)

AN ACT Relating to modifying tax and revenue laws in a manner that is not estimated to affect state or local tax collections, by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies; amending RCW 54.28.040, 54.28.055, 82.04.051, 82.04.220, 82.04.2404, 82.04.260, 82.04.261, 82.04.2907, 82.08.0531, 82.08.956, 82.08.9651, 82.08.9999, 82.12.010, 82.12.956, 82.12.9651, 82.14.532, 82.29A.090, 82.32.330, 82.32.534, 82.32.805, 84.40.130, 84.52.0531, 84.52.080, and 84.36.385; reenacting and amending RCW 79.64.110; adding a new section to chapter 82.32 RCW; and repealing RCW 82.25.045.

Referred to Committee on Finance.

SSB 5267 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Saldaña, Stanford, Conway, Das, Hasegawa, Keiser, Kuderer, Wilson and C.)

AN ACT Relating to requiring electrical licensing for electrical work associated with flipping property; and amending RCW 19.28.261 and 19.28.420.

Referred to Committee on Labor & Workplace Standards.

2SSB 5327 by Senate Committee on Ways & Means (originally sponsored by Brown, Frockt, Lovelett, Rivers, Short, Warnick and Wellman)

AN ACT Relating to a confidential youth safety and well-being tip line; adding a new chapter to Title 43 RCW; and prescribing penalties.

Referred to Committee on Children, Youth & Families.

2SSB 5331 by Senate Committee on Ways & Means (originally sponsored by Gildon, Darneille, Dhingra, Hasegawa, Nguyen, Nobles, Warnick, Wellman, Wilson and C.)

AN ACT Relating to establishing an early childhood court program for young children and their families

involved in Washington's child welfare system; adding new sections to chapter 2.30 RCW; and creating a new section.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1091, by Representatives Fitzgibbon, Slatter, Berry, Dolan, Bateman, Ramos, Simmons, Ramel, Senn, Peterson, Duerr, Ryu, Valdez, Callan, Kloba, Chopp, Ormsby, Frame, Macri, Pollet, Goodman and Bergquist**

**Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.**

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1091 was substituted for House Bill No. 1091 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1091 was read the second time.

With the consent of the House, amendments (186), (185), (180) and (132) were withdrawn.

Representative Chapman moved the adoption of amendment (155):

On page 2, line 15, after "(3)" insert "The legislature finds that the clean fuel standard created in this chapter will create jobs in Washington state in the production and distribution of sustainable fuels like biofuels from agricultural feedstocks and forest residuals, hydrogen produced from renewable feedstocks, and more. In order to maximize the benefits of this policy to Washington workers while also protecting the environment for current and future generations, it is necessary to uphold and improve upon the state's siting policies. By identifying priority areas of the state for development and by developing methods to further avoid, minimize, and mitigate environmental impacts consistent with statute, rules, and guidance, Washington can protect its environment, contribute to the global

fight against climate change, and support broadly shared prosperity.

(4) "

On page 5, beginning on line 17, strike all of subsection (5)

On page 31, after line 7, insert the following:

**"NEW SECTION. Sec. 24.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, Washington State University's energy program must initiate a least conflict priority clean energy project siting program in coordination with the energy facility site evaluation council, the department of ecology, the department of commerce, the department of fish and wildlife, local governments, clean energy stakeholders, conservation stakeholders, and Indian tribes. This program must engage all relevant agencies, stakeholders, and Indian tribes to identify priority areas in Washington state with the least amount of potential environmental impact and other conflict over competing land uses in the siting of major clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity, or that support the production of such transportation fuel. Washington State University's energy program may identify different priority areas for different types of industrial or manufacturing clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity in sectors including, but not limited to, biofuels, agricultural and forest biomass, hydrogen produced via electrolysis of water, and renewable natural gas.

(2) A project proposed in an area designated under subsection (1) of this section does not receive a guarantee or assurance of being permitted and is subject to review consistent with chapter 43.21C RCW and applicable environmental permit processes. Project proponents are not limited to proposing projects in identified least conflict zones.

(3) The identification of priority areas completed in subsection (1) of this section must be updated at least once every six years.

NEW SECTION. **Sec. 25.** A new section is added to chapter 43.21A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department, in consultation with the department of commerce, must periodically convene stakeholders, including all of those identified in section 24 of this act, Indian tribes, and the member agencies of the energy facility site evaluation council to identify and discuss avoidance, minimization, and mitigation of significant likely environmental impacts of clean energy projects specified in section 24 of this act. The environmental impacts identified and discussed must include, but are not limited to, air quality impacts, impacts to land and aquatic habitats, and wildlife impacts that may result from clean energy projects. The department must periodically provide a report to the appropriate committees of the house of representatives and the senate identifying mitigation resources, funding needs, and potential policies and programs to modify permitting and environmental review necessary for construction of clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity, or that support the production of such transportation fuel, in Washington state."

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

#### **POINT OF ORDER**

Representative Maycumber requested a scope and object ruling on amendment (155).

#### **SPEAKER'S RULING.**

"The title of the bill is an act relating to 'reducing greenhouse gas emissions by reducing the greenhouse gas emission of transportation fuels.' The bill directs the Department of Ecology to establish a Clean Fuels Program and specifies the requirements of that program.

Section 3, subsection 5 of the bill directs the department to improve and expedite State Environmental Policy Act (SEPA) reviews and permit applications for siting projects that would produce or support the production of low carbon transportation fuels.

Amendment 155 eliminates this subsection and directs the WSU Energy program to first identify low conflict sites for the production of low carbon transportation fuels,

followed by Department of Ecology review under SEPA. The amendment further directs Ecology to monitor and report on mitigation needs associated with project siting.

Both the bill and the amendment address the siting of projects for the production of low carbon transportation fuels, including environmental review and permitting under SEPA. The Speaker therefore finds and rules that the amendment is within the scope and object of the bill.

The point of order is not well taken."

Representatives Chapman and Slatter spoke in favor of the adoption of the amendment.

Representatives Walsh, Barkis, Boehnke and Orcutt spoke against the adoption of the amendment.

Amendment (155) was adopted.

Representative Dye moved the adoption of amendment (184):

On page 2, line 19, after "from" strike "diesel and"

On page 4, line 13, after "fuel" insert ", other than diesel fuel,"

On page 4, at the beginning of line 20, strike all material through "substitutes"

On page 13, beginning on line 29, after "gasoline" strike "and per gallon of diesel"

Representatives Dye, Barkis, Graham, Kraft, Walsh, Dent, Boehnke, Sutherland, Harris, Schmick, Young, Goehner, Dye (again), Orcutt, Chase and Sutherland (again) spoke in favor of the adoption of the amendment.

Representatives Duerr, Harris-Talley and Fitzgibbon spoke against the adoption of the amendment.

Amendment (184) was not adopted.

Representative Fitzgibbon moved the adoption of amendment (151):

On page 3, beginning on line 16, strike all of subsection (9)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Beginning on page 3, line 34, strike all of subsections (14) and (15)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 6, line 15, after "and" strike "green"

On page 6, beginning on line 24, after "used" strike "only for purposes of the clean fuels program"

On page 7, line 7, after "or" strike "green"

On page 7, beginning on line 19, after "standards" strike all material through "section" on line 20

On page 7, beginning on line 37, after "Washington" strike all material through "program" on line 40

On page 8, line 9, after "fuels" insert ", and electric vehicle manufacturers"

On page 10, line 20, after "sequestration;" strike "or"

On page 10, line 21, after "projects;" insert "or"

(iv) Investments and activities that support deployment of machinery and equipment used to produce gaseous and liquid fuels from nonfossil feedstocks, and derivatives thereof;"

On page 11, line 27, after "(b)" strike "Producers" and insert "Electric vehicle manufacturers and producers"

On page 12, beginning on line 21, after "of" strike all material through "of" on line 22 and insert "hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as"

On page 12, beginning on line 30, after "of" strike all material through "of" on line 31 and insert "hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as"

On page 13, beginning on line 6, after "program." strike all material through "utilities." on line 14 and insert "The department must provide for the establishment and funding of a statewide clean fuel reward program to provide light duty vehicle consumers with reasonable purchase incentives and require that at least some portion of the 50 percent of revenues subject to this subsection be contributed by each electric utility to such a program. The clean fuel reward program must provide a price reduction to vehicle purchasers or leasers at the time of purchase or lease on electric vehicle purchases or leases in Washington. Any requirements for the expenditure of revenues from credits earned from the electricity supplied to retail customers by an electric utility under the clean fuels program must be developed in consultation with electric

utilities, automobile manufacturers, and car dealers."

On page 14, line 14, after "2035." insert "The analysis must be informed by input from stakeholders, including regulated industries, and informed by experience from other jurisdictions. The analysis must impute price impacts using multiple analytical methodologies and must make clear how the assumptions or factors considered differed in each methodology used and price impact imputed."

Representative Fitzgibbon spoke in favor of the adoption of the amendment.

Representative Dye spoke against the adoption of the amendment.

Amendment (151) was adopted.

Representative Robertson moved the adoption of amendment (131):

On page 5, line 2, after "program" strike "of no later than January 1, 2023" and insert ". The rules adopted by the department under this section may not be implemented until the adjournment of the regular legislative session following the submission, in a report to the appropriate committees of the legislature, of an analysis of the final adopted rule by the Washington state institute for public policy. The analysis must:

(i) Determine the impacts of the program on revenues from the state motor vehicle fuel tax, oil spill response tax, oil spill administration tax, hazardous substance tax, and the petroleum products tax; and

(ii) Review the costs associated with the program and analyze whether the program is a cost-effective means of achieving greenhouse gas emissions reductions."

Representatives Robertson, Barkis, Dye, Walsh, Sutherland, Ybarra and McEntire spoke in favor of the adoption of the amendment.

Representatives Fitzgibbon and Ramel spoke against the adoption of the amendment.

Amendment (131) was not adopted.

Representative Abbarno moved the adoption of amendment (134):

On page 5, line 2, after "program" strike "of no later than January 1, 2023" and insert "that begins no earlier than the January 1st following the submission to the appropriate committees of the legislature of the report specified in subsection (6) of this section. The department may not implement the program authorized under this chapter if the office of financial management determines that the program will have significant negative economic impacts on any analyzed economic sectors or if the program will have significantly inequitable demographic or geographic impacts"

On page 5, after line 22, insert the following:

"(6) The office of financial management, in consultation with the office of equity, must contract for an independent economic analysis of the program created in this section at the levels of carbon intensity reduction specified in subsection (2) of this section. The analysis must consider economic impacts through the year 2050 and must include an estimate of the number of employers in Washington positively or negatively impacted by the program, the type of business each impacted employer is engaged in, and the equity of impacts across business sizes, types, and locations. The analysis must also describe the impact on employment by economic sector and describe any inequities of demographic or geographic impacts in those sectors of the economy. The analysis required in this subsection must be completed and submitted to the appropriate committees of the legislature by December 1, 2021."

Representatives Abbarno, Dye, Barkis, McEntire, Sutherland and Abbarno (again) spoke in favor of the adoption of the amendment.

Representatives Fitzgibbon and Duerr spoke against the adoption of the amendment.

Amendment (134) was not adopted.

Representative Boehnke moved the adoption of amendment (135):

On page 5, line 2, after "program" strike "of no later than January 1, 2023" and insert "that begins no earlier than January 1, 2024. Prior to the implementation of the program, by January

1, 2023, the department, in consultation with the department of commerce, must submit a report to the appropriate committees of the legislature that analyzes the impact to families of labor union members in Washington, comparing personal financial and household outcomes, under the following two scenarios:

(i) The program authorized under this chapter is implemented, consistent with the rules proposed or adopted by the department; and

(ii) The legislature enacts a new transportation revenue package that establishes an additional 10 cent per gallon tax on motor vehicle fuel, the revenue from which is constitutionally guaranteed to have the effect of supporting jobs through the maintenance of the state ferry network, state roads, bridges, and highways"

Representatives Boehnke, Dye and Orcutt spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (135) was not adopted.

Representative Dye moved the adoption of amendment (183):

On page 5, line 2, after "2023." insert "The rules must allow for the establishment of compliance obligations that create the least costs feasible to regulated entities while achieving the emissions reductions required in (a) of this subsection. The establishment of least cost compliance obligations must be achieved, in part, through the establishment of broadly available credit-generating activities and without the establishment of limitations on the number of credits that may be earned by individual entities or that may be earned under specific activity categories."

Representatives Dye and Walsh spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (183) was not adopted.

Representative Dye moved the adoption of amendment (187):

On page 5, line 2, after "program" strike all material through "2023" and insert "that begins no earlier than the January 1st following the submission to the appropriate committees of the legislature of a report that analyzes and determines whether there are more immediate and less costly ways to reduce the equivalent amount of greenhouse gas emissions forecasted to be achieved during the first year of program operations through the expenditure of \$25,000,000 of public funds by Washington to purchase certified carbon reduction credits in existing markets. The department must contract for the report required under this subsection with an independent consultant with expertise in the transportation fuels sector. In assessing the costs of greenhouse gas emissions reduction options, the report must consider the expected increases in carbon credit prices and low carbon transportation fuel prices driven by regulatory requirements in other jurisdictions. The department may not implement the program authorized under this chapter if it determines that it would be less costly per ton of greenhouse gas emissions reductions achieved to purchase certified carbon reduction credits than to implement the program"

Representative Dye withdrew amendment (187).

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

With the consent of the House, amendments (181), (149), (145) and (119) were withdrawn.

Representative Maycumber moved the adoption of amendment (144):

On page 5, line 32, after "activities." insert "For emissions from changes in land use associated with a transportation fuel, the department must consider the emissions from intentional land-clearing fires in a transportation fuel's country of origin that increase the available land for biofuel and other crop production."

Representatives Maycumber, Barkis and Maycumber (again) spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (144) and the amendment was not adopted by the following vote: Yeas: 41; Nays: 57; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Paul moved the adoption of amendment (117):

On page 8, line 39, after "program" insert "

"(c) The department shall harmonize the program's cost containment mechanisms with the cost containment rules in the states specified in section 7(1) of this act.

(d) The department shall consider mechanisms such as the establishment of a credit price cap or other alternative cost containment measures if deemed necessary to harmonize market credit costs with those in the states specified in section 7(1) of this act"

On page 10, line 11, after "requirements." insert "The department must apply the same baseline years to credits associated with electric or alternative transportation infrastructure that apply to gasoline and diesel liquid fuels in any market-based program enacted by the legislature that establishes a cap on greenhouse gas emissions."

On page 10, line 20, after "(ii)" strike "Refinery investments in" and insert "Project-based refinery greenhouse gas mitigation including, but not limited to, process improvements, renewable hydrogen use, and"

On page 11, line 7, after "requirements" insert "and methods for credit generation"

On page 11, after line 22, insert the following:

"(3) The department must conduct a biennial review of innovative technologies and pathways that reduce carbon and increase credit generation opportunities and must modify rules or guidance as needed to maintain stable credit markets."

On page 14, after line 37, insert the following:

**"NEW SECTION. Sec. 12.** (1) The department must issue an order declaring an emergency deferral:

(a) No later than 15 calendar days after the date that the department determines that:

(i) There is a known shortage of a fuel or low carbon fuel that is needed for regulated parties to comply with the carbon intensity standard established under section 3 of this act; and

(ii) The magnitude of the shortage of that fuel is greater than the equivalent of five percent of the amount of the fuel forecasted to be available during the effective compliance period; or

(b) Immediately upon the issuance by the governor of a proclamation, executive order, or directive pursuant to declaring an energy emergency under chapter 43.21G RCW due to a shortage of gasoline or diesel.

(2) An order declaring an emergency deferral under this section must set forth:

(a) The duration of the emergency deferral;

(b) The types of fuel to which the emergency deferral applies; and

(c) Which of the following methods the department has selected for deferring compliance with the scheduled applicable carbon intensity standard during the emergency deferral:

(i) Temporarily adjusting the scheduled applicable carbon intensity standard to a standard identified in the order that better reflects the availability of credits during the emergency deferral and requiring

regulated parties to comply with the temporary standard;

(ii) Allowing for the carryover of deficits accrued during the emergency deferral into one or more future compliance periods without penalty; or

(iii) Suspending deficit accrual during the emergency deferral period.

(3)(a) In implementing an emergency deferral, the department may take an action for deferring compliance with the carbon intensity standard other than, or in addition to, selecting a method under subsection (2)(c) of this section only if the department determines that none of the methods under subsection (2)(c) of this section will provide a sufficient mechanism for containing the costs of compliance with the carbon intensity standards during the emergency deferral.

(b) If the department makes the determination specified in (a) of this subsection, the department shall:

(i) Include in the order declaring an emergency deferral the determination and the action to be taken; and

(ii) Provide written notification and justification of the determination and the action to:

(A) The governor;

(B) The president of the senate;

(C) The speaker of the house of representatives; and

(D) The appropriate committees of the house of representatives and the senate.

(4)(a) Except as provided in (b) of this subsection, the duration of an emergency deferral:

(i) Implemented using the method described in subsection (2)(c)(i) of this section may not be less than one calendar quarter; and

(ii) Implemented using a method described in subsection (2)(c)(ii) or (iii) or (3) of this section may not be less than 30 calendar days.

(b) An emergency deferral may not continue past the end of the compliance period during which the emergency deferral is issued.

(c) The department may terminate an emergency deferral prior to the expiration date of the emergency deferral only if new information becomes available



indicating that the shortage for which the emergency deferral was issued has ended. Termination of an emergency deferral is effective 15 calendar days after the date that the order declaring the termination is adopted."

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

Representative Paul spoke in favor of the adoption of the amendment.

Representatives Dye and Kraft spoke against the adoption of the amendment.

Amendment (117) was adopted.

Representative Boehnke moved the adoption of amendment (176):

On page 10, line 20, after "sequestration;" strike "or"

On page 10, line 21, after "projects;" insert "or

(iv) Infrastructure investments in broadband access associated with facilitating remote work and therefore reducing transportation emissions, consistent with the 2021 state energy strategy recommendation. The department must establish a metric for the allocation of credits per foot of installed broadband infrastructure that varies by technology type including, but not limited to, cable, digital subscriber line, and fiber broadband;"

Representatives Boehnke and Slatter spoke in favor of the adoption of the amendment.

Amendment (176) was adopted.

Representative Klicker moved the adoption of amendment (178):

On page 10, line 23, after "commercial" insert ", nonprofit, or public"

Representatives Klicker and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (178) was adopted.

Representative Klicker moved the adoption of amendment (179):

On page 10, line 36, after "(3)" insert "The rules adopted by the department under sections 3 and 4 of this act must allow the generation of credits from the transportation of agricultural products by barge in Washington.

(4)"

Representatives Klicker, Orcutt, Klicker (again), Ybarra, Dye and Klippert spoke in favor of the adoption of the amendment.

Representatives Fitzgibbon and Riccelli spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (179) and the amendment was not adopted by the following vote: Yeas: 43; Nays: 55; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, and Wylie

Representative Maycumber moved the adoption of amendment (143):

On page 11, after line 3, insert the following:

"(4) The department may not allow credits to be earned for fuels that are extracted or produced in a country that has not been certified as eligible by the department of labor and industries. By December 1, 2021, the department of labor and industries must publish a list of countries whose extracted or produced fuels are eligible to generate credits under the program. The department of labor and industries must update this list by December 1st of each year, for purposes of determining credit eligibility for fuels during the following program year. In order to certify that a fuel is eligible to

generate credits under the program, the department of labor and industries must determine that the fuel was extracted or produced in a country that has laws that provide the following labor rights:

- (a) The freedom of association and protection of the right to organize;
- (b) The right to bargain collectively;
- (c) The right to strike;
- (d) A prohibition of forced labor;
- (e) Minimum employment standards, such as minimum wages and overtime pay, covering wage earners, including those not covered by collective agreements;
- (f) Elimination of employment discrimination on the basis of race, religion, age, sex, or other grounds as determined by each country's domestic laws;
- (g) Equal pay for men and women;
- (h) Prevention of occupational injuries and illnesses;
- (i) Compensation in cases of occupational injuries and illnesses; and
- (j) Protection of migrant workers."

Representative Maycumber and Maycumber (again) spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (143) and the amendment was not adopted by the following vote: Yeas: 45; Nays: 53; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Springer, Steele, Stokesbary, Sutherland, Thai, Vick, Volz, Walen, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Tharinger, Valdez, Wicks, and Wylie

Representative Abbarno moved the adoption of amendment (136):

On page 11, after line 22, insert the following:

"(3) In any reports to the Legislature under section 10 of this act, on the department's website, or in other public documents or communications that refer to assumed public health benefits associated with the program created in this chapter, the department must distinguish between public health benefits from small particulate matter and other conventional pollutant reductions achieved primarily as a result of vehicle emission standards established under RCW chapter 70A.30, and the incremental benefits to air pollution attributable to the program created under this chapter."

Representatives Abbarno and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (136) was adopted.

Representative Stokesbary moved the adoption of amendment (154):

On page 14, line 14, after "2035." insert "The analysis must also examine the anticipated cost impacts, through 2035, of the forecasted fuel price changes to persons that earn less than the state median income. Based on this analysis, the department must determine the amount per recipient, and the cost overall to the state, to establish a rebate program to offset the fuel cost increases to persons that earn less than the state median income, for each year through 2035."

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Ramel spoke against the adoption of the amendment.

Amendment (154) was not adopted.

Representative Goehner moved the adoption of amendment (156):

On page 14, after line 16, insert the following:

"(5) The department must determine if the credits issued under this program

before December 31, 2028, satisfy the requirement to reduce the carbon intensity of transportation fuel by 10 percent below 2017 levels. The department must make this determination by March 31, 2029. If the department determines that the carbon intensity of transportation fuels has not been reduced by at least 50 percent of the 2028 target, the department must issue a press release and notify the governor and the appropriate committees of the legislature, and the program created by this chapter is deemed scheduled for sunset review and termination pursuant to chapter 43.131 RCW."

On page 31, after line 7, insert the following:

**"NEW SECTION. Sec. 24.** A new section is added to chapter 43.131 RCW to read as follows:

If the clean fuels program fails to meet carbon intensity reduction targets determined consistent with section 10 of this act, the authorization for the department of ecology to implement a clean fuels program created in this act must be reviewed and terminated on January 1, 2031, as provided in section 25 of this act.

**NEW SECTION. Sec. 25.** A new section is added to chapter 43.131 RCW to read as follows:

If the clean fuels program fails to meet carbon intensity reduction targets determined by section 10 of this act by 2028, consistent with section 24 of this act, the following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2032:

- (1) RCW 70A.--.--- and 2021 c . . . s 1 (section 1 of this act);
- (2) RCW 70A.--.--- and 2021 c . . . s 2 (section 2 of this act);
- (3) RCW 70A.--.--- and 2021 c . . . s 3 (section 3 of this act);
- (4) RCW 70A.--.--- and 2021 c . . . s 4 (section 4 of this act);
- (5) RCW 70A.--.--- and 2021 c . . . s 5 (section 5 of this act);
- (6) RCW 70A.--.--- and 2021 c . . . s 6 (section 6 of this act);
- (7) RCW 70A.--.--- and 2021 c . . . s 7 (section 7 of this act);

(8) RCW 70A.--.--- and 2021 c . . . s 8 (section 8 of this act);

(9) RCW 70A.--.--- and 2021 c . . . s 9 (section 9 of this act);

(10) RCW 70A.--.--- and 2021 c . . . s 10 (section 10 of this act);

(11) RCW 70A.--.--- and 2021 c . . . s 11 (section 11 of this act);

(12) RCW 70A.--.--- and 2021 c . . . s 12 (section 12 of this act); and

(13) RCW 70A.--.--- and 2021 c . . . s 13 (section 13 of this act)."

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

Representative Goehner spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Amendment (156) was not adopted.

Representative Stokesbary moved the adoption of amendment (142):

On page 16, at the beginning of line 23, strike "(1)"

On page 16, beginning on line 27, strike all of subsection (2)

On page 16, after line 28, insert the following:

**"NEW SECTION. Sec. 15.** (1) This section is the tax preference performance statement for the tax preference contained in section 14 of this act. This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to:

(a) Lower the cost of clean energy technology and clean fuel standard compliance; and

(b) Incentivize the development of clean energy businesses in the state.

(4) If a review finds that the economic benefit from the clean fuel program with respect to clean fuel technology and emissions reduction is greater than the total increase in the cost of fuel plus the total economic cost of any jobs lost as a result of the clean fuels program, then the legislature intends to extend the expiration date of the tax preference. In reviewing the tax preference, the joint legislative audit and review committee must, to the extent possible, evaluate the impacts of the preference on clean energy technology businesses in Washington.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

(6) The department of revenue must include the tax preference contained in section 14 of this act in the quadrennial tax exemption report prepared pursuant to RCW 43.06.400."

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

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (142) was not adopted.

Representative Barkis moved the adoption of amendment (150):

Beginning on page 16, line 29, strike all of sections 15 through 19

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

Representatives Barkis and Orcutt spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (150) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon, Harris-Talley, Ramel, Chapman, Duerr and Senn spoke in favor of the passage of the bill.

Representatives Dye, Walsh, Klippert, Sutherland, Jacobsen, Gilday, Schmick, Orcutt, Klicker, Dent, Eslick, Chase, Dufault and Barkis spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1091.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1091, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Stonier, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Springer, Steele, Stokesbary, Sullivan, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

**HOUSE BILL NO. 1054, by Representatives J. Johnson, Entenman, Dolan, Ryu, Berry, Simmons, Bateman, Kloba, Lekanoff, Duerr, Fitzgibbon, Slatter, Wylie, Ramos, Berg, Tharinger, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Valdez, Callan, Hackney, Morgan, Chopp, Cody, Ormsby, Taylor, Frame, Santos, Macri, Davis, Pollet, Bergquist and Harris-Talley**

**Establishing requirements for tactics and equipment used by peace officers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1054 was substituted for House Bill No. 1054 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1054 was read the second time.

With the consent of the House, amendments (174), (189) and (175) were withdrawn.

Representative Klippert moved the adoption of amendment (188):

On page 2, line 4, after "chokehold" strike "or neck restraint"

On page 2, line 5, after "officer" insert "except in circumstances where use of deadly force is justifiable under chapter 9A.16 RCW"

On page 2, beginning on line 6, after "(2)" strike all material through "(3)" on line 8 and insert "The criminal justice training commission shall conduct a study to determine whether the use of a lateral vascular neck restraint constitutes deadly force, as defined in RCW 9A.16.010. The criminal justice training commission shall publish its findings in a report on its website by December 1, 2021. If the criminal justice training commission determines that the use of a lateral vascular neck restraint does not constitute deadly force, then the report required under this section must include a determination as to the appropriate circumstances for use of a lateral vascular neck restraint by a peace officer.

(3) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with subsection (1) of this section and the determination made by the criminal justice training commission under subsection (2) of this section.

(4) "

On page 2, line 12, after "(b)" strike all material through "flow" on line 14 and insert "'Lateral vascular neck restraint" means the use of a control technique where pressure is applied to the sides of the neck, using a combination of physiological factors to restrict blood flow to the brain, which may cause the subject to temporarily lose consciousness"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative J. Johnson spoke against the adoption of the amendment.

Amendment (188) was not adopted.

Representative Griffey moved the adoption of amendment (202):

On page 2, beginning on line 9, after "'Chokehold'" strike "refers to any tactic in which direct pressure is applied to a person's trachea or windpipe or any other tactic intended to restrict" and insert "means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting"

Representatives Griffey and Goodman spoke in favor of the adoption of the amendment.

Amendment (202) was adopted.

Representative Mosbrucker moved the adoption of amendment (177):

On page 2, beginning on line 15, after "(1)" strike all material through "section" on line 18 and insert "The criminal justice training commission shall convene a work group to develop a model policy for the training and use of canine teams.

(2) The criminal justice training commission must ensure that the work group is equally represented between community and law enforcement stakeholders, including the following: Families who have lost loved ones as a result of violent interactions with law enforcement; an organization advocating for civil rights; a state-wide organization advocating for Black Americans; a state-wide organization advocating for Latinos; a state-wide organization advocating for Asian Americans, Pacific Islanders, and Native Hawaiians; a federally recognized tribe located in Washington state; a community organization from eastern Washington working on police accountability; a community organization from western Washington working on police accountability; a community organization serving persons who are unhoused; the faith-based community with advocacy on police accountability; an emergency room doctor with relevant experience; Washington association of sheriffs and

police chiefs; Washington state patrol; Washington fraternal order of police; Washington council of police and sheriffs; Washington state patrol troopers association; council of metropolitan police and sheriffs; teamsters local 117; and Washington state police canine association.

(3) The model policy work group shall consider:

(a) Training curriculum, including the history of race and policing;

(b) Circumstances where the deployment of a canine may not be appropriate;

(c) Circumstances where deployment of a canine on leash may be appropriate;

(d) Strategies for reducing the overall rate of canine bites;

(e) Circumstances where a canine handler should consider the use of tactics other than deploying a canine;

(f) Explicitly prohibiting the use of canines for crowd control purposes;

(g) Canine reporting protocols;

(h) Circumstances where the use of voluntary canines and canine handlers may be appropriate; and

(i) Identifying circumstances that would warrant the decertification of canine teams.

(4) The criminal justice training commission shall publish the model policy on its website by January 1, 2022.

(5) This section expires July 1, 2022"

Representatives Mosbrucker and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (177) was adopted.

Representative Goodman moved the adoption of amendment (137):

On page 2, at the beginning of line 20, beginning with "purchase" strike all material through "'tear" on line 22 and insert "use or authorize its peace officers or other employees to use tear gas unless necessary to alleviate a present risk of serious harm posed by a riot, barricaded subject, or hostage situation. Prior to deploying tear gas, the officer or employee shall:

(a) Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances;

(b) Obtain authorization to use tear gas from the chief law enforcement officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted as provided under this section;

(c) Announce to the subject or subjects the intent to use tear gas;

(d) Allow sufficient time and space for the subject or subjects to comply with the officer's or employee's directives; and

(e) Announce to the subject or subjects for a second time, immediately prior to deploying tear gas, the intent to use tear gas.

(2) For the purposes of this section:

(a) "Chief law enforcement officer" refers to the chief law enforcement officer of the law enforcement agency, including: the sheriff or chief for a general authority Washington law enforcement agency; and the executive head of the department or agency for a limited authority Washington law enforcement agency, such as the secretary of corrections for the department of corrections.

(b) "Tear"

Representatives Goodman and Mosbrucker spoke in favor of the adoption of the amendment.

Amendment (137) was adopted.

Representative Boehnke moved the adoption of amendment (182):

On page 2, line 33, after "section" strike ", "military" and insert ":

(a) "Military"

On page 3, line 2, after "grenades," strike "grenade launchers,"

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

"(b) "Grenade" refers to any explosive grenade designed to injure or kill subjects, such as a fragmentation grenade or anti-tank grenade, or any incendiary grenade designed to produce intense heat or fire. "Grenade" does not include other non-explosive grenades designed to

temporarily incapacitate or disorient subjects without causing permanent injury, such as a stun grenade, sting grenade, smoke grenade, tear-gas grenade, or blast ball."

Representatives Boehnke and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (182) was adopted.

Representative Klippert moved the adoption of amendment (170):

On page 2, beginning on line 35, beginning with "silencers" strike all material through "devices," on page 3, line 1 and insert "armed and armored drones, tanks,"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Amendment (170) was not adopted.

Representative Gilday moved the adoption of amendment (173):

On page 2, at the beginning of line 35, strike "silencers,"

Representatives Gilday and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (173) was adopted.

Representative Graham moved the adoption of amendment (195):

On page 3, line 14, after "that" strike "uniformed peace officers" and insert "peace officers required to wear class A or B uniforms"

Representatives Graham and Klippert spoke in favor of the adoption of the amendment.

Representatives Goodman and J. Johnson spoke against the adoption of the amendment.

Amendment (195) was not adopted.

Representative Robertson moved the adoption of amendment (191):

On page 3, beginning on line 22, after "(a)" strike all material through "(2)"

on line 35 and insert "There is reasonable suspicion to believe a person in the vehicle has committed or is committing a criminal offense, and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks associated with the vehicular pursuit under the circumstances;

(b) The officer notifies a supervising officer immediately upon initiating the vehicular pursuit, informing the supervisor of the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle;

(c) The officer complies with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit;

(d) The officer complies with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable; and

(e) The officer, in consultation with the supervising officer, considers alternatives to the vehicular pursuit.

(2) A supervising officer shall order the termination of any vehicular pursuit not meeting the requirements under subsection (1) of this section.

(3) "

On page 4, after line 4, insert the following:

"(4) For the purposes of this section, "vehicular pursuit" means an attempt by a uniformed, law enforcement officer in an officially marked patrol vehicle to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle, and the operator of the moving vehicle appears to be resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a manner that endangers the safety of the community or the officer."

Representative Robertson spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (191) was not adopted.

Representative Maycumber moved the adoption of amendment (172):

On page 4, beginning on line 1, after "unless" strike all material through "harm" on line 4 and insert "the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer"

Representatives Maycumber and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (172) was adopted.

Representative Klippert moved the adoption of amendment (190):

On page 4, beginning on line 12, after "(2)" strike all material through "warrant" on line 15 and insert "An officer may seek and a court may issue a search or arrest warrant granting an advance exception to the requirement for the officer to provide notice of his or her office and purpose when executing the warrant only when the totality of the circumstances are so exigent that the advance exception to the requirement is necessary to preserve life and provide for public safety"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (190) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative J. Johnson's remarks on Final Passage of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054:

"Thank you so much Mr. Speaker. Today is a historic day. I want to begin by saying that we value and appreciate our peace officers for their selfless work that they do in our communities every single day to make us safe. The officers that put on the badge and uniform every day and do their jobs with honor and with respect to their profession. Just as

you've put on the badge and uniform every day for so many decades, Mr. Speaker.

However, we also know that systemic racism exists, along with the need for change, across all of our institutions. And that includes law enforcement, Mr. Speaker. In many cases bad policing is just a result of bad policy. And we have witnessed the evidence of unnecessary police violence and tactics that has produced negative outcomes predominately for communities of color.

Last summer, I remember, we all remember, we watched for eight minutes and forty-six seconds as an officer acted with impunity, his knee on the neck of brother George Floyd. Choking him to death over an allegedly counterfeit twenty-dollar bill. A twenty-dollar bill. If you're locally in Tacoma, we heard the words "I can't breathe" from the lips of brother Manny Ellis. Who was pinned to the ground while in custody and held under a neck restraint. We listened to hours of audio in the last moments in the life of sister, Breonna Taylor. Gunned down while laying in her own bed. Following a court issued 'no knock' warrant to the wrong home.

And last summer, Mr. Speaker, we saw thousands of our fellow community members, from elementary school students to great grandmothers, all united, in an incredible showing of solidarity following these deaths.

Mr. Speaker, while black and brown communities have sounded this alarm for decades, there was finally a call from the majority to reform our system. I want to thank the organizers, the advocates and the law enforcement that helped to craft this legislation. But most importantly, I want to acknowledge the countless families of loved ones who have died at the hands of police violence. You shared your stories with us despite unimaginable pain and suffering. You helped us develop this bill. And while the policy details may be complex, the values behind this legislation can be distilled into a single sentence. That preserving and protecting human life must be the most fundamental value of our law enforcement.

Today some tactics used by law enforcement do not uphold that value. Furthermore, the different standards that we see across our state leads to confusion and also sows more distrust in the system. You know, Mr. Speaker, one of the many things I have learned in the last year in this position is that the legislative process can be slow. But we can make it work. We can make nuanced ideas become realities. And when talking about these ideas we can bring everyone to the table. I am so proud and grateful for those who have stepped up to have these difficult conversations. To produce this legislation that fixes two problems. Setting a baseline standard for acceptable police tactics in our state. And equipment that can and should be used. Banning or at least restricting harmful tactics based on the lived experiences of all Washingtonians. And this bill also helps us to begin the long and difficult process of rebuilding trust between law enforcement and communities of color.

But together, Mr. Speaker, we can deliver on true public safety that is equitable and just because justice is simply just us coming together to make policy that can have infinite impact.

Mr. Speaker, please, I urge you, vote yes to help make our state safer. To finally say to these families and the broader community, we hear you, we see you, and we will



not idly stand by. Vote yes to say that we stand with you not only in times of comfort and convenience but in times of challenge and controversy.

And finally, Mr. Speaker vote yes to say loudly and clearly that unnecessary police violence must end.

Thank you, Mr. Speaker.”

Representatives J. Johnson, Hackney and Entenman spoke in favor of the passage of the bill.

Representatives Klippert, Dufault, Graham, Walsh, Maycumber and Mosbrucker spoke against the passage of the bill.

### **MOTION**

On motion of Representative Griffey, Representative MacEwen was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1054.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1054, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054, having received the necessary constitutional majority, was declared passed.

### **MOTION**

Representative Stonier moved that the remarks of Representative J. Johnson be spread upon the Journal.

The motion to spread the remarks of Representative J. Johnson was adopted.

There being no objection, the House adjourned until 9:00 a.m., March 1, 2021, the 50th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

1054	Second Reading .....	12	5119-S	Introduction & 1st Reading .....	2
1054-S	Second Reading .....	13	5148-S	Introduction & 1st Reading .....	2
	Amendment Offered .....	13, 14, 15, 16	5151-S	Introduction & 1st Reading .....	2
	Third Reading Final Passage .....	17	5190-S	Introduction & 1st Reading .....	2
1091	Second Reading .....	3	5193-S	Introduction & 1st Reading .....	2
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1548	Introduction & 1st Reading .....	1	5331-S2	Introduction & 1st Reading .....	2
1549	Introduction & 1st Reading .....	1	HOUSE OF REPRESENTATIVES (Speaker Lovick presiding)		
1550	Introduction & 1st Reading .....	1	Point of Order		
5035-S	Introduction & 1st Reading .....	1	Representative Maycumber - Scope Amendment (155)		
5038-S	Introduction & 1st Reading .....	1	.....		4
5051-S2	Introduction & 1st Reading .....	1	SPEAKER OF THE HOUSE (Speaker Lovick presiding)		
5068-S	Introduction & 1st Reading .....	1	Speaker's Ruling		
			Scope - Amendment (155).....		4