

## SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

## FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 4, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Paul Harris, 17th 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 & FIRST READING

E2SSB 5022 by Senate Committee on Ways & Means (originally sponsored by Das, Rolfes, Carlyle, Dhingra, Keiser, Kuderer, Lias, Lovelett, Nobles, Nguyen, Pedersen, Saldaña, Salomon, Stanford, Wellman, Wilson and C.)

AN ACT Relating to managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and requiring recycled content in plastic beverage containers; amending RCW 43.21B.300; reenacting and amending RCW 43.21B.110; adding a new chapter to Title 70A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Appropriations.

2SSB 5045 by Senate Committee on Ways & Means (originally sponsored by Warnick, Lovelett, Robinson, Rolfes, Schoesler, Short and Van De Wege)

AN ACT Relating to expanding opportunities for meat and poultry processing and inspection; adding a new section to chapter 15.64 RCW; adding a new section to chapter 89.08 RCW; and creating a new section.

Referred to Committee on Appropriations.

SB 5063 by Senators Honeyford, Salomon, Van De Wege and Warnick

AN ACT Relating to the expiration date of the invasive species council; amending RCW 79A.25.310; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 5097 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Robinson, Conway, Darneille, Das, Hasegawa, Hunt, Keiser, Lias, Lovelett, Nguyen, Saldaña, Stanford, Van De Wege, Wilson and C.)

AN ACT Relating to expanding coverage of the paid family and medical leave program; amending RCW 50A.05.010, 50A.30.010, 50A.35.010, and 50A.35.020; and providing an effective date.

Referred to Committee on Appropriations.

SB 5133 by Senators Conway, Hasegawa, Keiser, Saldaña, Wilson and C.

AN ACT Relating to the definition of confidential employee for the purposes of state collective bargaining; and amending RCW 41.80.005.

Referred to Committee on Appropriations.

2SSB 5241 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Nguyen, Darneille, Das, Hasegawa, Hunt, Keiser, Lias, Nobles, Saldaña, Stanford, Wilson and C.)

AN ACT Relating to promoting economic inclusion for people experiencing poverty; adding new sections to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5254 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Salomon, Darneille, Frockt, Hasegawa, Keiser, Saldaña, Stanford, Wilson and C.)

AN ACT Relating to the use of protective devices and equipment during a public health emergency; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

E2SSB 5287 by Senate Committee on Ways & Means (originally sponsored by Das, Kuderer, Conway, Keiser, Lias, Nguyen, Nobles, Pedersen, Randall, Salomon, Wilson and C.)

AN ACT Relating to affordable housing incentives; amending RCW 84.14.005, 84.14.010, 84.14.020, 84.14.040, 84.14.100, 84.14.030, and 84.14.090; adding a new section to chapter 84.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

SSB 5342 by Senate Committee on Housing & Local Government (originally sponsored by Schoesler, Dozier, Hunt and Mullet)

AN ACT Relating to irrigation district elections; amending RCW 87.03.031, 87.03.032, 87.03.033, 87.03.045, 87.03.051, 87.03.071, 87.03.075, 87.03.085, and 87.03.105; adding new sections to chapter 87.03 RCW; and prescribing penalties.

Referred to Committee on State Government & Tribal Relations.

E2SSB 5377 by Senate Committee on Ways & Means (originally sponsored by Frockt, Keiser, Conway, Das, Dhingra, Hunt, Kuderer, Lias, Lovelett, Wilson, C., Nguyen, Pedersen, Saldaña and Salomon)

AN ACT Relating to increasing affordability of standardized plans on the individual market; amending RCW 41.05.410 and 43.71.095; adding new sections to chapter 43.71 RCW; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Appropriations.

SB 5385 by Senators Keiser, Saldaña and Nguyen

AN ACT Relating to the size of the airport a municipality must control or operate for that municipality to enact minimum labor standards for employees at the airport; and amending RCW 14.08.120.

Referred to Committee on Labor & Workplace Standards.

E2SSB 5399 by Senate Committee on Ways & Means (originally sponsored by Randall, Cleveland, Das, Dhingra, Frockt, Hunt, Kuderer, Lias, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Stanford, Van De Wege, Wellman, Wilson and C.)

AN ACT Relating to the creation of a universal health care commission; and adding a new chapter to Title 48 RCW.

Referred to Committee on Appropriations.

SSB 5401 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Nguyen, Rivers, Cleveland, Das, Dhingra, Gildon, Hasegawa, Holy, Keiser, Kuderer, Lias, Lovelett, Mullet, Saldaña, Stanford, Wellman, Wilson and C.)

AN ACT Relating to degrees in computer science; amending RCW 28B.50.825; and creating a new section.

Referred to Committee on Appropriations.

SSB 5406 by Senate Committee on Transportation (originally sponsored by Hawkins, Mullet, Brown, Dozier, Fortunato, Hobbs, Honeyford, Hunt, Rolfes, Schoesler, Short, Stanford, Warnick, Wilson and J.)

AN ACT Relating to compensation for tow truck operators for keeping the public roadways clear; and amending RCW 46.44.110.

Referred to Committee on Transportation.

ESSB 5408 by Senate Committee on Law & Justice (originally sponsored by Stanford, Das, Dhingra, Hasegawa, Kuderer, Lovelett, Nguyen, Randall, Robinson, Rolfes, Saldaña and Wellman)

AN ACT Relating to the homestead exemption; amending RCW 6.13.010, 6.13.030, 6.13.070, 6.13.090, and 61.24.100; and creating a new section.

Referred to Committee on Finance.

ESSB 5441 by Senate Committee on Health & Long Term Care (originally sponsored by Wellman, Cleveland, Das and Lovelett)

AN ACT Relating to informed consent for breast implant surgery; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SJM 8004 by Senators Hasegawa and Saldaña

Addressing "de-risking" by financial institutions.

Referred to Committee on Consumer Protection & Business.

There being no objection, the bills and memorial 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. 1097, by Representatives Sells, Bateman, Ortiz-Self, Kloba, Chopp, Ormsby, Stonier and Macri**

**Increasing worker protections.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1097 was substituted for House Bill No. 1097 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1097 was read the second time.

Representative Hoff moved the adoption of amendment (297):

On page 1, line 17, after "workplace." insert "Any order issued under this section must include the full text of any law, rule, guidance, or policy governing the order, including the effective date of the law, rule, guidance, or policy."

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

Representative Sells spoke against the adoption of the amendment.

Amendment (297) was not adopted.

Representative Gilday moved the adoption of amendment (291):

On page 6, line 37, after "(1)" strike "(a)"

On page 7, beginning on line 4, after "includes" strike all material through "activities" on line 8 and insert "an action that would deter a reasonable employee from exercising their rights under this chapter"

Representatives Gilday and Sells spoke in favor of the adoption of the amendment.

Amendment (291) was adopted.

Representative Kraft moved the adoption of amendment (308):

On page 7, line 11, after "within" strike "~~((thirty))~~ 90" and insert "thirty"

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

Representative Berry spoke against the adoption of the amendment.

Amendment (308) was not adopted.

Representative Harris moved the adoption of amendment (303):

On page 8, line 36, after "has" strike "15 working" and insert "30"

On page 9, line 1, after "within" strike "15 working" and insert "30"

Representatives Harris, Hoff, Stokesbary, Graham, Boehnke, Walsh and Harris (again) spoke in favor of the adoption of the amendment.

Representatives Bronoske and Sells spoke against the adoption of the amendment.

Amendment (303) was not adopted.

Representative Hoff moved the adoption of amendment (306):

On page 13, beginning on line 2, after "authorized to" strike all material through "proclamation" on line 7 and insert "establish a safety grant program, subject to the availability of amounts appropriated for this specific purpose"

On page 13, beginning on line 18, strike all of subsection (4)

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

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

Representative Sells spoke against the adoption of the amendment.

Amendment (306) was not adopted.

Representative Hoff moved the adoption of amendment (307):

On page 13, line 21, after "51.08.175" strike "," and insert "and"

On page 13, beginning on line 21, after "51.08.173" strike all material through "employees" on line 22

Representatives Hoff and Corry spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (307) was not adopted.

Representative Dufault moved the adoption of amendment (296):

On page 13, beginning on line 32, after "7." strike all material through "2022" on line 33 and insert "(1) Sections 1, 2, and 4 of this act take effect 90 days following the expiration or termination of proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19.

(2) Section 3 of this act takes effect July 1, 2022, or 90 days following the expiration or termination of proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19, whichever date is later.

(3) The office of the governor must provide notice of the effective dates of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office of the governor"

Correct the title.

#### **POINT OF ORDER**

Representative Stonier requested a scope and object ruling on amendment (296).

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

"The title of the bill is an act relating to increasing worker protections.

The bill amends the Washington Industrial Safety and Health Act by establishing employer appeal procedures of an order of immediate restraint, changing antiretaliation provisions, and creating a small business grant program.

Amendment 296 ties the effective date of the bill to the expiration or termination of the Governor's proclamation declaring a state of emergency due to the COVID-19 pandemic and requires the Governor to notify various entities of the effective date once the proclamation expires or is terminated.

This legislative session over a dozen bills have been filed relating to the emergency powers of the governor and the executive branch. The wisdom or necessity of statutes granting authority to issue emergency orders and the wisdom or necessity of the emergency orders that have been issued pursuant to such statutes are topics separate and distinct from the issue presented in the bill before us – whether workers should be afforded additional protections under the Washington Industrial Safety and Health Act.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

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 Sells, Bronoske, Berry and Stonier spoke in favor of the passage of the bill.

Representatives Hoff, Sutherland, Abbarno, Harris, Corry, Mosbrucker, Graham, Stokesbary, Sutherland (again), Griffey, Dent, Klicker, Ybarra, Dye and Chambers spoke against the passage of the bill.

#### **MOTION**

On motion of Representative Griffey, Representative Volz was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1097.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1097, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, 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, Wylie and Mme. Speaker.

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

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097, having received the necessary constitutional majority, was declared passed.

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

#### **MOTION**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1241  
HOUSE BILL NO. 1514

There being no objection, the House reverted to the third order of business.

**MESSAGE FROM THE SENATE**

March 3, 2021

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5000,  
SECOND SUBSTITUTE SENATE BILL NO. 5062,  
SUBSTITUTE SENATE BILL NO. 5152,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5191,  
SUBSTITUTE SENATE BILL NO. 5210,  
SECOND SUBSTITUTE SENATE BILL NO. 5214,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5227,  
SENATE BILL NO. 5242,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5245,  
SUBSTITUTE SENATE BILL NO. 5249,  
SECOND SUBSTITUTE SENATE BILL NO. 5253,  
SECOND SUBSTITUTE SENATE BILL NO. 5265,  
SENATE BILL NO. 5299,  
SUBSTITUTE SENATE BILL NO. 5318,  
ENGROSSED SENATE BILL NO. 5328,  
SUBSTITUTE SENATE BILL NO. 5417,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

**SECOND READING**

**HOUSE BILL NO. 1335, by Representatives Valdez, Rude, Berry, Fitzgibbon, Morgan, Santos, Shewmake, Davis, Berg, Gilday, Bergquist, Fey, Bateman, Lekanoff, Lovick, Callan, Riccelli, Rule, Pollet, Senn and Harris-Talley**

**Concerning review and property owner notification of recorded documents with unlawful racial restrictions.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1335 was substituted for House Bill No. 1335 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1335 was read the second time.

Representative Pollet moved the adoption of striking amendment (338):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the existence of racial, religious, or ethnic-based property restrictions or covenants on a deed or chain of title for real property is like having a monument to racism on that property and is repugnant to the tenets of equality. Furthermore, such restrictions and covenants may cause mental anguish and tarnish a property owner's sense of ownership in the property because the owner feels as though they have participated in a racist act themselves.

It is the intent of the legislature that the owner, occupant, or tenant or homeowners' association board of the property which is subject to an unlawful deed restriction or covenant pursuant to RCW 49.60.224 is entitled to have discriminatory covenants and restrictions that are contrary to public policy struck from their chain of title. The legislature has presented two ways this can be accomplished through RCW 49.60.227(1) (a) and (b). If the owner, occupant, or tenant or homeowners' association board of the property elects to pursue a judicial remedy, the legislature intends that the court issue a declaratory judgment ordering the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records, to entirely strike the racist or otherwise discriminatory covenants from the chain of title. Striking the language does not prevent preservation of the original record, outside of the chain of title, for historical or archival purposes.

The legislature finds that striking racist, religious, and ethnic restrictions or covenants from the chain of title is no different than having an offensive statutory monument which the owner may entirely remove. So too should the owner be able to entirely remove the offensive written monument to racism or other unconstitutional discrimination.

**NEW SECTION. Sec. 2.** A new section is added to chapter 49.60 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the University of Washington and Eastern Washington University shall review existing recorded covenants and

deed restrictions to identify those recorded documents that include racial or other restrictions on property ownership or use against protected classes that are unlawful under RCW 49.60.224. For properties subject to such racial and other unlawful restrictions, the universities shall provide notice to the property owner and to the county auditor of the county in which the property is located. The universities shall provide information to the property owner on how such provisions can be struck pursuant to RCW 49.60.227. The universities may contract with other public and private not-for-profit higher education institutions that are regionally accredited to carry out the review and notification requirements of this section.

(2) This section expires July 1, 2027.

**Sec. 3.** RCW 64.06.020 and 2019 c 455 s 3 are each amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

**INSTRUCTIONS TO THE SELLER**

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any \* items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

**NOTICE TO THE BUYER**

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT

("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . . is/ . . . . is not occupying the property.

**I. SELLER'S DISCLOSURES:**

\*If you answer "Yes" to a question with an asterisk (\*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

**1. TITLE**

Yes  No  Don't know A. Do you have legal authority to sell the property? If no, please explain.

Yes  No  Don't know \*B. Is title to the property subject to any of the following?

- (1) First right of refusal
- (2) Option
- (3) Lease or rental agreement

(4) Life estate?  Yes  No  Don't know

Yes  No  Don't know \*C. Are there any encroachments, boundary agreements, or boundary disputes?  Yes  No  Don't know

Yes  No  Don't know \*D. Is there a private road or easement agreement for access to the property?  Yes  No  Don't know

Yes  No  Don't know \*E. Are there any rights-of-way, easements, or access limitations that may affect the Buyer's use of the property?  Yes  No  Don't know

Yes  No  Don't know \*F. Are there any written agreements for joint maintenance of an easement or right-of-way?  Yes  No  Don't know

Yes  No  Don't know \*G. Is there any study, survey project, or notice that would adversely affect the property?  Yes  No  Don't know

Yes  No  Don't know \*H. Are there any pending or existing assessments against the property?  Yes  No  Don't know

Yes  No  Don't know \*I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?  Yes  No  Don't know

Yes  No  Don't know \*J. Is there a boundary survey for the property?  Yes  No  Don't know

Yes  No  Don't know \*K. Are there any covenants, conditions, or restrictions recorded against the property?  Yes  No  Don't know

\*If shared, are there any written agreements?

\*(2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

\*(3) Are there any problems or repairs needed?

(4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.

\*(5) Are there any water treatment systems for the property? If yes, are they  Leased  Owned

\*(6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?

(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

\*(b) If yes, has all or any portion of the water right not been used for five or more successive years?

\*(7) Are there any defects in the operation of the water system (e.g. pipes, tank, pump, etc.)?

**B. Irrigation Water**

(1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?

\*(a) If yes, has all or any portion of the water right not been used for five or more successive years?

\*(b) If so, is the certificate available? (If yes, please attach a copy.)

\*(c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed?

\*(2) Does the property receive irrigation water from a ditch company,

NOTICE TO THE BUYER: Covenants or deed restrictions based on race, creed, sexual orientation, or other protected class were voided by RCW 49.60.224 and are unenforceable. Washington law allows for the illegal language to be struck by bringing an action in superior court or by the free recording of a restrictive covenant modification document. Many county auditor websites provide a short form with instructions on this process.

**2. WATER**

**A. Household Water**

(1) The source of water for the property is:

Private or publicly owned water system

Private well serving only the subject property . . . . .

\* Other water system

Yes  No  Don't know

Yes  No  Don't know

Yes  No  Don't know

Yes  No  Don't know

Yes  No  Don't know

Yes  No  Don't know

irrigation district, or other entity? If so, please identify the entity that supplies water to the property:

site sewage system approved?

bedrooms

**C. Outdoor Sprinkler System**

Yes  No  Don't know

(1) Is there an outdoor sprinkler system for the property?

Yes  No  Don't know

E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain:

Yes  No  Don't know

\* (2) If yes, are there any defects in the system?

Yes  No  Don't know

\*F. Have there been any changes or repairs to the on-site sewage system?

Yes  No  Don't know

\* (3) If yes, is the sprinkler system connected to irrigation water?

Yes  No  Don't know

G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.

**3. SEWER/ON-SITE SEWAGE SYSTEM**

Yes  No  Don't know

\*H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year?

A. The property is served by:

Public sewer system,

On-site sewage system (including pipes, tanks, drainfields, and all other component parts)

Other disposal system, please describe:

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

Yes  No  Don't know

B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.

Yes  No  Don't know

**4. STRUCTURAL**

Yes  No  Don't know

\*C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

Yes  No  Don't know

\*A. Has the roof leaked within the last five years?

\*B. Has the basement flooded or leaked?

Yes  No  Don't know

D. If the property is connected to an on-site sewage system:

Yes  No  Don't know

\*C. Have there been any conversions, additions, or remodeling?

Yes  No  Don't know

\* (1) If yes, were all building permits obtained?

Yes  No  Don't know

\* (2) If yes, were all final inspections obtained?

Yes  No  Don't know

\* (1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?

Yes  No  Don't know

D. Do you know the age of the house? If yes, year of original construction:

(2) When was it last pumped?

Yes  No  Don't know

\*E. Has there been any settling, slippage, or sliding of the property or its improvements?

...  
\* (3) Are there any defects in the operation of the on-site sewage system?

Yes  No  Don't know

\*F. Are there any defects with the following: (If yes, please check applicable items and explain.)

Don't know

(4) When was it last inspected?

- Foundations
- Decks
- Exterior Walls
- Chimneys
- Interior Walls
- Fire Alarm
- Doors
- Windows
- Patio
- Ceilings
- Slab Floors
- Driveways

By whom:

Don't know

(5) For how many bedrooms was the on-



- Pools
- Hot Tub
- Sauna
- Sidewalks
- Outbuildings
- Fireplaces
- Garage Floors
- Walkways
- Siding
- Other
- Woodstoves
- Elevators
- Incline
- Stairway
- Chair Lifts
- Wheelchair Lifts

Yes  No  Don't know

\*G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?

Yes  No  Don't know

Yes  No  Don't know

H. During your ownership, has the property had any wood destroying organism or pest infestation?

Yes  No  Don't know

Yes  No  Don't know

I. Is the attic insulated?

Yes  No  Don't know

Yes  No  Don't know

J. Is the basement insulated?

Yes  No  Don't know

**5. SYSTEMS AND FIXTURES**

\*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.

Yes  No  Don't know

Yes  No  Don't know

Electrical system, including wiring, switches, outlets, and service

Yes  No  Don't know

Yes  No  Don't know

Plumbing system, including pipes, faucets, fixtures, and toilets

Yes  No  Don't know

Hot water tank

Yes  No  Don't know

Garbage disposal

Yes  No  Don't know

Appliances

Yes  No  Don't know

Sump pump

Yes  No  Don't know

Heating and cooling systems

Yes  No  Don't know

Yes  No  Don't know

Security system

Owned  Leased

Other

\*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

Yes  No  Don't know

Yes  No  Don't know

Security system . . . . .

Yes  No  Don't know

Tanks (type): . . . . .

Yes  No  Don't know

Satellite dish . . . . .

Yes  No  Don't know

Other: . . . . .

\*C. Are any of the following kinds of wood burning appliances present at the property?

(1) Woodstove?

Yes  No  Don't know

(2) Fireplace insert?

Yes  No  Don't know

(3) Pellet stove?

Yes  No  Don't know

(4) Fireplace?

Yes  No  Don't know

If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?

Yes  No  Don't know

D. Is the property located within a city, county, or district or within a department of natural resources fire protection zone that provides fire protection services?

Yes  No  Don't know

E. Is the property equipped with carbon monoxide alarms?

Yes  No  Don't know

(Note: Pursuant to RCW 19.27.530, seller must equip the residence with carbon monoxide alarms as required by the state building code.)

F. Is the property equipped with smoke detection devices?

Yes  No  Don't know

(Note: Pursuant to RCW 43.44.110, if the property is not equipped with at least one smoke detection device, at least one must be provided by the seller.)

**6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS**

A. Is there a Homeowners' Association? Name of Association and contact information for an officer, director, employee, or other authorized agent, if any, who may provide the association's financial statements, minutes, bylaws, fining policy, and other information that is not publicly available:

Yes  No  Don't know

B. Are there regular periodic assessments:

\$ . . . per  Month  Year

Other

\*C. Are there any pending special assessments?

Yes  No  Don't know

\*D. Are there any shared "common areas" or any joint maintenance agreements

Yes  No  Don't know

(facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

Yes  No  Don't know

\*C. If alterations were made, were permits or variances for these alterations obtained?

**7. ENVIRONMENTAL**

**9. FULL DISCLOSURE BY SELLERS**

Yes  No  Don't know

\*A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

Yes  No  Don't know

A. Other conditions or defects:

Yes  No  Don't know

\*B. Does any part of the property contain fill dirt, waste, or other fill material?

\*Are there any other existing material defects affecting the property that a prospective buyer should know about?

Yes  No  Don't know

\*C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

**B. Verification:**

Yes  No  Don't know

D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

Yes  No  Don't know

\*E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

DATE SELLER SELLER

**NOTICE TO THE BUYER**

Yes  No  Don't know

\*F. Has the property been used for commercial or industrial purposes?

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY

BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

Yes  No  Don't know

\*G. Is there any soil or groundwater contamination?

**II. BUYER'S ACKNOWLEDGMENT**

Yes  No  Don't know

\*H. Are there transmission poles or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

A Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.

Yes  No  Don't know

\*I. Has the property been used as a legal or illegal dumping site?

B The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.

Yes  No  Don't know

\*J. Has the property been used as an illegal drug manufacturing site?

C Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

Yes  No  Don't know

\*K. Are there any radio towers in the area that cause interference with cellular telephone reception?

D This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

**8. MANUFACTURED AND MOBILE HOMES**

If the property includes a manufactured or mobile home,

E Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

Yes  No  Don't know

\*A. Did you make any alterations to the home? If yes, please describe the alterations:  
.....

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT.

Yes  No  Don't know

\*B. Did any previous owner make any alterations to the home?

UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE . . . . . BUYER  
. . . . . BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

**Sec. 4.** RCW 49.60.227 and 2018 c 65 s 1 are each amended to read as follows:

(1)(a) If a written instrument contains a provision that is void by reason of RCW 49.60.224, the owner, occupant, or tenant of the property which is subject to the provision or the homeowners' association board may cause the provision to be stricken from the public records by bringing an action in the superior court in the county in which the property is located. The action shall be an in rem, declaratory judgment action whose title shall be the description of the property. The necessary party to the action shall be the owner, occupant, or tenant of the property or any portion thereof. The person bringing the action shall pay a fee set under RCW 36.18.012.

(b) If the court finds that any provisions of the written instrument are

void under RCW 49.60.224, it shall enter an order striking the void provisions from the public records and eliminating the void provisions from the title or lease of the property described in the complaint.

(i) A complete copy of any document affected by the order shall be made an exhibit to the order and the order shall identify each document by recording number and date of recordation and set forth verbatim the void provisions to be struck from such document. The order shall include a certified copy of each document, upon which the court has physically redacted the void provisions.

(ii) The person bringing the action may obtain and deliver a certified copy of the order to the office of the county auditor or, in charter counties, the county official charged with the responsibility for recording instruments in the county records, in the county where the property is located.

(iii) The auditor shall record the documents prepared by the court. An image of each document so corrected shall be placed in the public records. Each corrected document shall contain the following information on the first page or a cover page prepared pursuant to RCW 65.04.047: The auditor's file number or book and page of the original document, a notation that the original document was corrected pursuant to this section, the cause number of the court action, and the date the order was entered.

(iv) The auditor or official shall update the index of each original document referenced in the order with the auditor's file number of the corrected document. Further, the index will note that the original record is no longer the primary official public record and is removed from the chain of title pursuant to the court order.

(v) At the auditor's or official's discretion, the original document or image may be transferred to the secretary of state archives division to be preserved for historical or archival purposes.

(2)(a) As an alternative to the judicial procedure set forth in subsection (1) of this section, the owner of property subject to a written instrument that contains a provision that is void by reason of RCW 49.60.224 may record a restrictive covenant modification document with the county

auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records, in the county in which the property is located.

(b) The modification document shall contain a recording reference to the original written instrument.

(c) The modification document must state, in part:

"The referenced original written instrument contains discriminatory provisions that are void and unenforceable under RCW 49.60.224 and federal law. This document strikes from the referenced original instrument all provisions that are void and unenforceable under law."

(d) The effective date of the modification document shall be the same as the effective date of the original written instrument.

(e) If the owner causes to be recorded a modification document that contains modifications not authorized by this section, the county auditor or recording officer shall not incur liability for recording the document. Any liability that may result is the sole responsibility of the owner who caused the recordation.

(f) No filing or recording fees or otherwise authorized surcharges shall be required for the filing of a modification document pursuant to this section.

(3) For the purposes of this section, "restrictive covenant modification document" or "modification document" means a standard form developed and designed by the Washington state association of county auditors.

NEW SECTION. Sec. 5. This act applies to real estate transactions entered into on or after January 1, 2022."

Correct the title.

Representatives Pollet and Goehner spoke in favor of the adoption of the striking amendment.

Striking amendment (338) was 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 Valdez, Rude, Berg, Gilday, Wilcox, Ybarra and Maycumber spoke in favor of the passage of the bill.

Representative Kraft 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 Second Substitute House Bill No. 1335.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1335, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1335, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1139, by Representatives Pollet, Callan, Berg, Dolan, Ryu, Leavitt, Bronoske, Ramel, Ramos, Lekanoff, Stonier, Ortiz-Self, Frame, Goodman, Rule, Bergquist, Berry, Wylie, J. Johnson, Taylor and Valdez**

**Taking action to address lead in drinking water.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1139 was substituted for House Bill No. 1139 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1139 was read the second time.

Representative Pollet moved the adoption of amendment (342):

On page 3, beginning on line 5, after "(3)" strike all material through

"communicate" on line 11 and insert "(a) Except as provided in (b) of this subsection, a school shall communicate annually"

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

On page 3, line 15, after "exposure" strike "and that even small amounts of lead can be harmful"

On page 3, beginning on line 16, after "the" strike all material through "threshold," on line 19 and insert "most recent lead test results; and information about the school's plan"

On page 3, at the beginning of line 22, strike "(5)" and insert "(b) The annual communication described under (a) of this subsection is not required if initial testing, or once postremediation testing, does not detect an elevated lead level at any drinking water outlet.

(4) "

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

On page 3, beginning on line 23, after "reveals" strike all material through "section," on line 24 and insert "a lead concentration that exceeds 15 parts per billion"

On page 3, line 25, after "measure" insert ", such as use of a filter,"

On page 4, line 1, after "of" insert "state or federal"

On page 4, line 3, after "Include" strike "confirmatory retesting" and insert "postremediation retesting to confirm that remediation activities have reduced lead concentrations at drinking water outlets to below the elevated lead level"

On page 4, line 4, after "(c)" insert "The school action plan may include sampling and testing of the drinking water entering the school when the results of testing for lead contamination at drinking water outlets within the school indicate that the infrastructure of the public water system is a significant contributor to the elevated lead levels.

(d) "

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 4, beginning on line 7, after "that" strike all material through "contamination" on line 8 and insert "a significant contributor to lead contamination in school drinking water"

On page 4, line 9, after "body" strike "is" and insert ": (i) Is"

On page 4, beginning on line 11, after "infrastructure" strike ". However, the school's governing body" and insert "; (ii)"

On page 4, line 13, after "regarding" strike all material through "contamination" and insert "its significant contribution to lead contamination in school drinking water"

On page 4, line 14, after "contamination" insert "; and (iii) may defer its remediation activities under (b) of this subsection until after the elevated lead level in the public water system's infrastructure is remediated and postremediation retesting does not detect an elevated lead level in the drinking water that passes through that infrastructure"

On page 4, line 18, after "which" insert "postremediation"

On page 4, line 21, after "subsection" strike "(4)" and insert "(3)"

On page 4, after line 25, insert the following:

"(6) A school's governing body must post on a public website the most recent results of testing for lead contamination at drinking water outlets, no later than the time that the proposed school action plan is made publicly available, under (c) of this subsection."

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

There being no objection, the House deferred action on SECOND SUBSTITUTE HOUSE BILL NO. 1139, and the bill held its place on the second reading calendar.

**HOUSE BILL NO. 1379, by Representatives Lovick, Boehnke, Sutherland, Ryu and Dent**

**Establishing an unpiloted aircraft system state coordinator and program funding source.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1379 was substituted for House Bill No. 1379 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1379 was read the second time.

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

Representatives Lovick, Dent and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1379.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1379, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dye, Kraft, McCaslin, Robertson, Schmick and Young.

SUBSTITUTE HOUSE BILL NO. 1379, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1379.

Representative Graham, 6th District

### SECOND READING

**HOUSE BILL NO. 1197, by Representatives Riccelli, Tharinger, Cody, Pollet and Harris-Talley**

**Concerning health care decisions made by a designated person.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1197 was substituted for House Bill No. 1197 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1197 was read the second time.

Representative Riccelli moved the adoption of striking amendment (387):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.70.065 and 2019 c 232 s 8 and 2019 c 209 s 1 are each reenacted and amended to read as follows:

(1) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent, based upon a reason other than incapacity as defined in RCW 11.88.010(1)(d), shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian of the patient, if any;

(ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(iii) The individual to whom the patient has designated to make health care decisions by orally or personally informing a physician, nurse practitioner, or physician assistant who then signs and enters a document with this information into the patient's health record, provided that the physician, nurse practitioner, or physician assistant determines that the patient has capacity as defined in (e) of this subsection at the time of the designation and documents it in the patient's health record;

(iv) The patient's spouse or state registered domestic partner;

~~((iv))~~ (v) Children of the patient who are at least eighteen years of age;

~~((v))~~ (vi) Parents of the patient;

~~((vi))~~ (vii) Adult brothers and sisters of the patient;

~~((vii))~~ (viii) Adult grandchildren of the patient who are familiar with the patient;

~~((viii))~~ (ix) Adult nieces and nephews of the patient who are familiar with the patient;

~~((ix))~~ (x) Adult aunts and uncles of the patient who are familiar with the patient; and

~~((x))~~ (xi)(A) An adult who:

(I) Has exhibited special care and concern for the patient;

(II) Is familiar with the patient's personal values;

(III) Is reasonably available to make health care decisions;

(IV) Is not any of the following: A physician to the patient or an employee of the physician; the owner, administrator, or employee of a health care facility, nursing home, or long-term care facility where the patient resides or receives care; or a person who receives compensation to provide care to the patient; and

(V) Provides a declaration under ~~(a) ~~((x))~~~~ (xi)(B) of this subsection.

(B) An adult who meets the requirements of ~~(a) ~~((x))~~~~ (xi)(A) of this subsection shall provide a declaration, which is effective for up to six months from the date of the declaration, signed and dated under penalty of perjury pursuant to ~~((RCW 9A.72.085))~~ chapter 5.50 RCW, that recites facts and circumstances demonstrating that he or she is familiar with the patient and that he or she:

(I) Meets the requirements of ~~(a) ~~((x))~~~~ (xi)(A) of this subsection;

(II) Is a close friend of the patient;

(III) Is willing and able to become involved in the patient's health care;

(IV) Has maintained such regular contact with the patient as to be familiar with the patient's activities, health, personal values, and morals; and

(V) Is not aware of a person in a higher priority class willing and able to provide informed consent to health care on behalf of the patient.

(C) A health care provider may, but is not required to, rely on a declaration provided under ~~(a) ~~((x))~~~~ (xi)(B) of this

subsection. The health care provider or health care facility where services are rendered is immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration provided in compliance with ~~(a) ~~((x))~~~~ (xi)(B) of this subsection.

(b) If the health care provider seeking informed consent for proposed health care of the patient who is not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(d) No rights under Washington's death with dignity act, chapter 70.245 RCW, may be exercised through a person authorized to provide informed consent to health care on behalf of a patient not competent to consent under RCW 11.88.010(1)(e).

(e) For purposes of (a)(iii) of this subsection:

(i) A patient is presumed to have capacity, unless a health care provider reasonably determines the patient lacks capacity due to the patient's demonstrated inability to understand and appreciate the nature and consequences of designating an individual to make health care decisions on the patient's behalf as a result of a cognitive impairment. A patient is presumed not to have the capacity to make a health care designation if the patient has been determined to be incapacitated under RCW 11.125.090 or if the patient is an adult subject to a guardianship that includes health care decision making under RCW 11.88.010.

(ii) A patient may revoke a designation at any time by either a verbal expression or a signed and dated written statement expressing his or her intent to revoke. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person acting on behalf of the patient. The attending physician shall record the time, date, and place of revocation and the time, date, and place of revocation, if different, of when the physician received notification of the revocation.

(iii) A health care provider that relies upon the consent of an individual designated to provide care to a patient is immune from suit in any action, civil or criminal, or from professional or other disciplinary action for relying upon such consent unless the health care provider had actual knowledge of the patient's revocation of that designation at the time consent was obtained.

(2) Informed consent for health care, including mental health care, for a patient who is not competent, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b)(i) Informed consent for health care on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent may be obtained from a school nurse, school counselor, or homeless student liaison when:

(A) Consent is necessary for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The minor patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005; and

(C) The minor patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

(ii) A person authorized to consent to care under this subsection (2)(b) and the person's employing school or school



district are not subject to administrative sanctions or civil damages resulting from the consent or nonconsent for care, any care, or payment for any care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2) (b).

(iii) Upon request by a health care facility or a health care provider, a person authorized to consent to care under this subsection (2) (b) must provide to the person rendering care a declaration signed and dated under penalty of perjury pursuant to chapter 5.50 RCW stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b) (i) of this subsection. The declaration must also include written notice of the exemption from liability under (b) (ii) of this subsection.

(c) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a) (v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient, or person claiming to be authorized to consent to the health care of the minor patient.

(d) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

(e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to

chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient under (a) (v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

(4) A person who knowingly provides a false declaration under this section shall be subject to criminal penalties under chapter 9A.72 RCW.

**Sec. 2.** RCW 7.70.065 and 2020 c 312 s 705 are each amended to read as follows:

(1) Informed consent for health care for a patient who is a minor or, to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who has been placed under a guardianship under RCW 11.130.265 a minor or, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian of the patient, if any;

(ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(iii) The individual to whom the patient has designated to make health care decisions by orally or personally informing a physician, nurse practitioner, or physician assistant who then signs and enters a document with this information into the patient's health record, provided that the physician, nurse practitioner, or physician assistant determines that the patient has capacity as defined in (e) of this subsection at the time of the designation and documents it in the patient's health record;

(iv) The patient's spouse or state registered domestic partner;

~~((iv))~~ (v) Children of the patient who are at least eighteen years of age;

~~((v))~~ (vi) Parents of the patient;

~~((vi))~~ (vii) Adult brothers and sisters of the patient;

~~((vii))~~ (viii) Adult grandchildren of the patient who are familiar with the patient;

~~((viii))~~ (ix) Adult nieces and nephews of the patient who are familiar with the patient;

~~((ix))~~ (x) Adult aunts and uncles of the patient who are familiar with the patient; and

~~((x))~~ (xi)(A) An adult who:

(I) Has exhibited special care and concern for the patient;

(II) Is familiar with the patient's personal values;

(III) Is reasonably available to make health care decisions;

(IV) Is not any of the following: A physician to the patient or an employee of the physician; the owner, administrator, or employee of a health care facility, nursing home, or long-term care facility where the patient resides or receives care; or a person who receives compensation to provide care to the patient; and

(V) Provides a declaration under ~~((x))~~ (xi)(B) of this subsection.

(B) An adult who meets the requirements of ~~((x))~~ (xi)(A) of this subsection shall provide a declaration, which is effective for up to six months from the date of the declaration, signed and dated under penalty of perjury pursuant to chapter 5.50 RCW, that recites facts and circumstances demonstrating that he or she is familiar with the patient and that he or she:

(I) Meets the requirements of ~~((x))~~ (xi)(A) of this subsection;

(II) Is a close friend of the patient;

(III) Is willing and able to become involved in the patient's health care;

(IV) Has maintained such regular contact with the patient as to be familiar with the patient's activities, health, personal values, and morals; and

(V) Is not aware of a person in a higher priority class willing and able to provide informed consent to health care on behalf of the patient.

(C) A health care provider may, but is not required to, rely on a declaration provided under ~~((x))~~ (xi)(B) of this

subsection. The health care provider or health care facility where services are rendered is immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration provided in compliance with ~~((x))~~ (xi)(B) of this subsection.

(b) If the health care provider seeking informed consent for proposed health care of the patient who has been placed under a guardianship under RCW 11.130.265~~((7))~~ makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient who has been placed under a guardianship under RCW 11.130.265~~((7))~~ exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(d) No rights under Washington's death with dignity act, chapter 70.245 RCW, may be exercised through a person authorized to provide informed consent to health care on behalf of a patient who is a minor or has been placed under a guardianship under RCW 11.130.265.

(e) For purposes of (a)(iii) of this subsection:

(i) A patient is presumed to have capacity, unless a health care provider reasonably determines the patient lacks capacity due to the patient's demonstrated inability to understand and appreciate the nature and consequences of designating an individual to make health care decisions on the patient's behalf as a result of a cognitive impairment. A

patient is presumed not to have the capacity to make a health care designation if the patient has been determined to be incapacitated under RCW 11.125.090 or if the patient is an adult subject to a guardianship that includes health care decision making under RCW 11.130.265.

(ii) A patient may revoke a designation at any time by either a verbal expression or a signed and dated written statement expressing his or her intent to revoke. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person acting on behalf of the patient. The attending physician shall record the time, date, and place of revocation and the time, date, and place of revocation, if different, of when the physician received notification of the revocation.

(iii) A health care provider that relies upon the consent of an individual designated to provide care to a patient is immune from suit in any action, civil or criminal, or from professional or other disciplinary action for relying upon such consent unless the health care provider had actual knowledge of the patient's revocation of that designation at the time consent was obtained.

(2) Informed consent for health care, including mental health care, for a patient who is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed

authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b)(i) Informed consent for health care on behalf of a patient who is under the age of majority and who is not otherwise authorized to provide informed consent may be obtained from a school nurse, school counselor, or homeless student liaison when:

(A) Consent is necessary for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The minor patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005; and

(C) The minor patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

(ii) A person authorized to consent to care under this subsection (2)(b) and the person's employing school or school district are not subject to administrative sanctions or civil damages resulting from the consent or nonconsent for care, any care, or payment for any care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2)(b).

(iii) Upon request by a health care facility or a health care provider, a

person authorized to consent to care under this subsection (2)(b) must provide to the person rendering care a declaration signed and dated under penalty of perjury pursuant to chapter 5.50 RCW stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b)(i) of this subsection. The declaration must also include written notice of the exemption from liability under (b)(ii) of this subsection.

(c) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient, or person claiming to be authorized to consent to the health care of the minor patient.

(d) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

(e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

(4) A person who knowingly provides a false declaration under this section shall be subject to criminal penalties under chapter 9A.72 RCW.

NEW SECTION. Sec. 3. Section 1 of this act expires January 1, 2022.

NEW SECTION. Sec. 4. Section 2 of this act takes effect January 1, 2022."

Correct the title.

Representatives Riccelli and Walsh spoke in favor of the adoption of the striking amendment.

Representative Abbarno moved the adoption of amendment (395) to the striking amendment (387):

On page 1, beginning on line 20 of the striking amendment, after "assistant" strike all material through "record" on line 25 and insert "as outlined in (e) of this subsection"

On page 4, beginning on line 1 of the striking amendment, after "(ii)" strike all material through "revocation." on line 8 and insert "The physician, nurse practitioner, or physician assistant to whom a health care surrogate designation has been communicated must enter a document with this information into the patient's health care record, provided that the physician, nurse practitioner, or physician assistant determines that the patient has capacity at the time of the designation and documents it in the patient's health record. The designation must be signed by the patient, unless the physician, nurse practitioner, or physician assistant determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the designation orally."

(iii) A designation may be revoked by the patient at any time, in the following methods:

(A) A written revocation by the patient expressing his or her intent to revoke, signed and dated by the patient. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person acting on behalf of the patient. The attending physician shall record in the patient's medical record the time and date when the physician received notification of the written revocation.

(B) A verbal expression by the patient of his or her intent to revoke the designation. Such designation shall

become effective only upon communication to the attending physician by the patient. The attending physician shall record in the patient's medical record the time, date, and place of the revocation and shall obtain a signature from the patient, unless the physician determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the revocation orally."

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

On page 7, beginning on line 6 of the striking amendment, after "assistant" strike all material through "record" on line 11 and insert "as outlined in (e) of this subsection"

On page 9, beginning on line 16 of the striking amendment, after "(ii)" strike all material through "revocation." on line 23 and insert "The physician, nurse practitioner, or physician assistant to whom a health care surrogate designation has been communicated must enter a document with this information into the patient's health care record, provided that the physician, nurse practitioner, or physician assistant determines that the patient has capacity at the time of the designation and documents it in the patient's health record. The designation must be signed by the patient, unless the physician, nurse practitioner, or physician assistant determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the designation orally.

(iii) A designation may be revoked by the patient at any time, in the following methods:

(A) A written revocation by the patient expressing his or her intent to revoke, signed and dated by the patient. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person acting on behalf of the patient. The attending physician shall record in the patient's medical record the time and date when the physician received notification of the written revocation.

(B) A verbal expression by the patient of his or her intent to revoke the designation. Such designation shall become effective only upon communication to the attending physician by the patient. The attending physician shall record in the patient's medical record

the time, date, and place of the revocation and shall obtain a signature from the patient, unless the physician determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the revocation orally."

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

Representatives Abbarno and Riccelli spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (395) to the striking amendment (387) was adopted.

Representative Gilday moved the adoption of amendment (404) to the striking amendment (387):

On page 3, line 31 of the striking amendment, after "(i)" insert "An employee of the medical facility where the patient is receiving care is prohibited from serving as a designated health care surrogate.

(ii)"

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

On page 9, line 6 of the striking amendment, after "(i)" insert "An employee of the medical facility where the patient is receiving care is prohibited from serving as a designated health care surrogate.

(ii)"

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

Representatives Gilday and Riccelli spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (404) and the amendment was adopted by the following vote: Yeas: 98; Nays: 0; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins,

Johnson, J., Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

Representative Walsh moved the adoption of amendment (391) to the striking amendment (387):

On page 4, after line 14 of the striking amendment, insert the following:

"(iv) A health care provider is immune from suit in any civil action arising from the designation or revocation of a health care surrogate. However, this immunity does not apply to an act or omission made in bad faith or that involves gross negligence."

On page 9, after line 29 of the striking amendment, insert the following:

"(iv) A health care provider is immune from suit in any civil action arising from the designation or revocation of a health care surrogate. However, this immunity does not apply to an act or omission made in bad faith or that involves gross negligence or willful and wanton misconduct."

Representative Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hansen spoke against the adoption of the amendment to the striking amendment.

Amendment (391) to the striking amendment (387) was not adopted.

Representatives Riccelli, Walsh and Abbarno spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (387) as amended, was 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 Riccelli and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1197.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1197, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Jacobsen, Klippert, Kraft, McCaslin and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of SECOND SUBSTITUTE HOUSE BILL NO. 1139 on second reading.

Representative Pollet spoke in favor of the adoption of amendment (342).

Amendment (342) was adopted.

Representative Walsh moved the adoption of amendment (405):

On page 7, after line 18, insert the following:

"NEW SECTION. Sec. 8. Notwithstanding RCW 43.06.220(2)(g), no portion of this act may be waived or suspended by the Governor during a proclaimed state of emergency."

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

### POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (405).

### SPEAKER'S RULING

"The bill before us requires schools to test drinking water for lead contamination.

The amendment addresses a separate and distinct subject, the governor's authority to waive or suspend statutory provisions during a state of emergency.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the underlying bill.

The point of order is well taken."

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 Pollet, Rude, McCaslin and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1139.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1139, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Hoff, McEntire and Walsh.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1139, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1227, by Representatives Ortiz-Self, Callan, Senn, Dolan, Fitzgibbon, Ramos, Davis, Santos, Macri, Gregerson, Young and Ormsby**

**Protecting the rights of families responding to allegations of abuse or neglect of a child.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1227 was substituted for House Bill No. 1227 and the

second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1227 was read the second time.

Representative Klippert moved the adoption of amendment (271):

On page 1, beginning on line 16, after "and" strike all material through "system" on line 17 and insert "ensure every child in Washington state is treated equally under the law regardless of race, creed, color, national origin, or sex"

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

Representative Senn spoke against the adoption of the amendment.

Amendment (271) was not adopted.

Representative Klippert moved the adoption of amendment (272):

On page 4, line 20, after "from" insert "recklessness,"

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

Representative Senn spoke against the adoption of the amendment.

Amendment (272) was not adopted.

Representative Ortiz-Self moved the adoption of amendment (365):

On page 4, line 37, after "establish" strike "by a preponderance of the evidence" and insert "that there are reasonable grounds to believe"

On page 13, beginning on line 31, after "finds" strike all material through "evidence" on line 32 and insert "there is reasonable cause to believe"

On page 15, line 2, after "establishes" strike "by a preponderance of the evidence" and insert "that there is reasonable cause to believe"

Representative Ortiz-Self spoke in favor of the adoption of the amendment.

Representatives Dent and McCaslin spoke against the adoption of the amendment.

Amendment (365) was adopted.

Representative Klippert moved the adoption of amendment (273):

On page 14, line 7, after "poverty," strike "isolation,"

On page 14, line 8, after "crowded" strike "or inadequate housing, substance abuse" and insert "housing"

On page 14, line 9, after "exposure," strike "mental illness,"

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

Representative Thai spoke against the adoption of the amendment.

Amendment (273) 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 Ortiz-Self and Dent spoke in favor of the passage of the bill.

Representative Klippert 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 Second Substitute House Bill No. 1227.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1227, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz,

Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Chase, Dufault, Dye, Graham, Klippert, McCaslin and Schmick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1227, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1034, by Representatives Fitzgibbon, Cody, Ortiz-Self and Wylie**

**Concerning park and recreation district levies.**

The bill was read the second time.

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

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representatives Robertson and Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1034.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1034, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

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

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

HOUSE BILL NO. 1034, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1438, by Representatives Orcutt, Sutherland, Graham, Young, Volz and Eslick**

**Expanding eligibility for property tax exemptions for service-connected disabled veterans and senior citizens**



**by modifying income thresholds for eligibility to allow deductions for common health care-related expenses.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1438 was substituted for House Bill No. 1438 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1438 was read the second time.

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

Representatives Orcutt and Wylie spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1438.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1438, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1438, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1495, by Representatives Chapman, Robertson and Dent**

**Providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax.**

The bill was read the second time.

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

Representatives Chapman and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1495.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1495, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1495, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., March 5, 2021, the 54th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

1034	Second Reading .....	24	5097-S	Introduction & 1st Reading .....	1
	Third Reading Final Passage .....	24	5133	Introduction & 1st Reading .....	1
1097	Second Reading .....	2	5152-S	Messages .....	5
1097-S	Second Reading .....	3	5191-S	Messages .....	5
	Amendment Offered .....	3	5210-S	Messages .....	5
	Third Reading Final Passage .....	4	5214-S2	Messages .....	5
1139	Second Reading .....	12	5227-S2	Messages .....	5
1139-S2	Second Reading .....	12		5241-S2	Introduction & 1st Reading .....
	Amendment Offered .....	12, 22		5242	Messages .....
	Third Reading Final Passage .....	23		5245-S	Messages .....
	Other Action .....	13, 22		5249-S	Messages .....
1197	Second Reading .....	14		5253-S2	Messages .....
1197-S	Second Reading .....	14		5254-S	Introduction & 1st Reading .....
	Amendment Offered .....	14, 20, 21, 22		5265-S2	Messages .....
	Third Reading Final Passage .....	22		5287-S2	Introduction & 1st Reading .....
1227	Second Reading .....	23		5299	Messages .....
1227-S2	Second Reading .....	23		5318-S	Messages .....
	Amendment Offered .....	23, 24		5328	Messages .....
	Third Reading Final Passage .....	24		5342-S	Introduction & 1st Reading .....
1241	Other Action .....	5		5377-S2	Introduction & 1st Reading .....
1335	Second Reading .....	5		5385	Introduction & 1st Reading .....
1335-S2	Second Reading .....	5		5399-S2	Introduction & 1st Reading .....
	Amendment Offered .....	5		5401-S	Introduction & 1st Reading .....
	Third Reading Final Passage .....	12		5406-S	Introduction & 1st Reading .....
1379	Second Reading .....	13		5408-S	Introduction & 1st Reading .....
1379-S	Second Reading .....	14		5417-S	Messages .....
	Third Reading Final Passage .....	14		5441-S	Introduction & 1st Reading .....
1438	Second Reading .....	24		8004	Introduction & 1st Reading .....
1438-S	Second Reading .....	25			HOUSE OF REPRESENTATIVES (Representative Orwall presiding)
	Third Reading Final Passage .....	25			Statement for the Journal Representative Graham.....
1495	Second Reading .....	25			14
	Third Reading Final Passage .....	25			HOUSE OF REPRESENTATIVES (Speaker Orwall presiding)
1514	Other Action .....	5			
5000-S2	Messages .....	5			
5022-S2	Introduction & 1st Reading .....	1			
5045-S2	Introduction & 1st Reading .....	1			
5062-S2	Messages .....	5			
5063	Introduction & 1st Reading .....	1			

Point of Order  
    Representative Stonier - Scope Amendment (296) .....4  
    Representative Stonier - Scope Amendment (405) ...22  
SPEAKER OF THE HOUSE (Speaker Orwall presiding)

Speaker's Ruling  
    Scope - Amendment (296)..... 4  
    Scope - Amendment (405)..... 22