

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTY NINTH DAY

House Chamber, Olympia, Friday, April 9, 2021

The House was called to order at 10:00 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 Matt Boehnke, 8th 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 third order of business.

MESSAGE FROM THE SENATE

April 8, 2021

Mme. SPEAKER:

The President has signed:

- SENATE BILL NO. 5005,
- SENATE BILL NO. 5015,
- SENATE BILL NO. 5016,
- SENATE BILL NO. 5018,
- ENGROSSED SENATE BILL NO. 5026,
- SENATE BILL NO. 5046,
- SUBSTITUTE SENATE BILL NO. 5068,
- SENATE BILL NO. 5106,
- SENATE BILL NO. 5131,
- SUBSTITUTE SENATE BILL NO. 5152,
- SUBSTITUTE SENATE BILL NO. 5169,
- SENATE BILL NO. 5184,
- SUBSTITUTE SENATE BILL NO. 5228,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5284,
- SENATE BILL NO. 5296,
- SENATE BILL NO. 5303,
- SUBSTITUTE SENATE BILL NO. 5325,
- SENATE BILL NO. 5347,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5355,
- ENGROSSED SENATE BILL NO. 5356,
- ENGROSSED SENATE BILL NO. 5372,
- SUBSTITUTE SENATE BILL NO. 5384,
- SENATE BILL NO. 5385,
- SUBSTITUTE SENATE BILL NO. 5425,
- SENATE BILL NO. 5431,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304, by Senate Committee on Ways & Means (originally sponsored by C. Wilson, Dhingra, Darnelle, Das, Frockt, Hasegawa, Holy, Lovelett, Nguyen, Rivers and Wellman)

Providing reentry services to persons releasing from state and local institutions.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Davis moved the adoption of amendment (631) to the committee striking amendment:

On page 9, line 34 of the striking amendment, after "(2)" insert "(a) In addition, the authority shall convene a subcommittee of the work group consisting of a representative of the authority, one representative of each managed care organization contracted with the authority under chapter 74.09 RCW, representatives of the Washington association of sheriffs and police chiefs, representatives of jails, and other members that the work group determines are appropriate to inform the tasks of the work group.

(b) The subcommittee must:

(i) Determine and make progress toward implementing a process for transmitting real-time location information related to incarcerated individuals to the managed care organization in which the individual is enrolled;

(ii) Develop a process to transmit patient health information between jails and managed care organizations to ensure high quality health care for incarcerated individuals enrolled in a managed care organization; and

(iii) Improve collaboration between the authority, the managed care organizations, and the jails as it pertains to care coordination both when an individual enters custody and upon release.

(c) The subcommittee must submit an initial report to the relevant committees of the legislature by December 1, 2021, and a final report by December 1, 2022. The reports shall evaluate the progress of managed care organizations with respect to meeting their contractual obligations regarding clinical coordination when an individual enters custody as well as care coordination and connection to reentry services upon release, including any corrective action taken by the authority against a managed care organization related to noncompliance. The reports shall also identify any barriers to effective care coordination for individuals in jail and recommendations to overcome those barriers.

(3) "

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

Representatives Davis and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (631) to the committee striking amendment was adopted.

Representative Caldier moved the adoption of amendment (630) to the committee striking amendment:

On page 12, beginning on line 20 of the striking amendment, after "(a)" strike all material through "(c)" on line 38 and insert "In determining the county of discharge for ~~((an offender))~~ a person released to community custody, the department may not approve a residence location that is not in the ~~((offender's))~~ person's county of origin unless it is determined by the department that the ~~((offender's))~~ person's return to his or her county of origin would be inappropriate considering any court-ordered condition of the ~~((offender's))~~ person's sentence, victim safety concerns, negative influences on the ~~((offender))~~ person in the community, or the location of family or other sponsoring persons or organizations that will support the ~~((offender))~~ person.

(b) "

On page 13, at the beginning of line 3 of the striking amendment, strike "~~((e))~~ (d)(i)" and insert "(c)(i)"

On page 13, line 4 of the striking amendment, after "in" strike "(d)(ii)" and insert "(c)(ii)"

On page 13, after line 12 of the striking amendment, insert the following:

"NEW SECTION. Sec. 12. The department of corrections shall conduct a study of the services and resources necessary for each county to have the capacity to provide reentry services to persons for whom the county is the persons' county of origin, as defined in RCW 72.09.270. The study shall consider the average number of persons who may be reasonably expected to be annually discharged to each county as the persons' county of origin, the expected services and resources required to meet the need for reentry services commonly identified in reentry plans for those persons for whom the county is the county of origin, and the extent to which each county must supplement its existing services and resources to provide the appropriate level of services within the county to meet the needs of those persons being discharged for whom the county is the county of origin. In addition, the study shall identify those unique services and resources which particular counties may not be able to provide and that may need to be provided in another county due to workforce resources, cost-effectiveness, or other reasons. The department shall submit a report of its findings to the governor and the appropriate committees of the legislature by December 1, 2021."

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

Representatives Caldier, Schmick and Robertson spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Simmons spoke against the adoption of the amendment to the committee striking amendment.

Amendment (630) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

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

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

Representative Schmick spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative J. Johnson was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5304, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5304, as amended by the House, and the bill passed the House by the following vote: Yeas, 74; Nays, 23; Absent, 0; Excused, 1.

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

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Jacobsen, Klicker, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Robertson, Schmick, Stokesbary, Ybarra and Young.

Excused: Representative J. Johnson.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Second Substitute Senate Bill No. 5304.

Representative Klippert, 8th District

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5178, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Muzzall and C. Wilson)

Establishing automatic waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency. Revised for 1st Substitute: Establishing

automatic waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency. (REVISED FOR ENGROSSED: Establishing timely considerations of waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 75, March 26, 2021).

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

Representatives Cody and Schmick 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 Senate Bill No. 5178, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5178, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, 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, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, 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, Dufault, Kraft, McCaslin, McEntire and Walsh.

Excused: Representative J. Johnson.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5178, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5048, by Senators Mullet and Das

Concerning reinsurance agreements.

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 Kirby and Vick 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 Senate Bill No. 5048.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5048, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

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, 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.

Excused: Representative J. Johnson.

SENATE BILL NO. 5048, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5146, by Senator Van De Wege

Authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds.

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 Shewmake and Chandler 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 Senate Bill No. 5146.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5146, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

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, 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.

Excused: Representative J. Johnson.

SENATE BILL NO. 5146, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5271, by Senate Committee on Law & Justice (originally sponsored by Wagoner, Pedersen and Dhingra)

Amending the necessary elements of proof of injury during the state of emergency declared due to the COVID-19 pandemic.

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 Hansen 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 Substitute Senate Bill No. 5271.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5271, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, 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, Kirby, Klicker, Klippert, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, 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: Representatives Cody, Kloba, Kraft and Ramos.

Excused: Representative J. Johnson.

SUBSTITUTE SENATE BILL NO. 5271, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5195, by Senate Committee on Ways & Means (originally sponsored by Liias, Muzzall, Das, Dhingra, Nguyen and C. Wilson)

Concerning prescribing opioid overdose reversal medication. Revised for 2nd Substitute: Concerning opioid overdose reversal medication.

The bill was read the second time.

Representative Davis moved the adoption of striking amendment (680):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Opioid use disorder is a treatable brain disease from which people recover;

(b) Individuals living with opioid use disorder are at high risk for fatal overdose;

(c) Overdose deaths are preventable with lifesaving opioid overdose reversal medications like naloxone;

(d) Just as individuals with life-threatening allergies should carry an EpiPen, individuals with opioid use disorder should carry opioid overdose reversal medication;

(e) There are 53,000 individuals in Washington enrolled in apple health, Washington's medicaid program, that have a diagnosis of opioid use disorder and yet there are alarmingly few medicaid claims for opioid overdose reversal medication; and

(f) Most of the opioid overdose reversal medication distributed in Washington is currently paid for with flexible federal and state dollars and distributed in bulk, rather than appropriately billed to a patient's insurance. Those finite flexible funds should instead be used for nonmedicaid eligible expenses or for opioid overdose

reversal medication distributed in nonmedicaid eligible settings or to nonmedicaid eligible persons. The state's current methods for acquisition and distribution of opioid overdose reversal medication are not sustainable and insufficient to reach all Washingtonians living with opioid use disorder.

(2) Therefore, it is the intent of the legislature to increase access for all individuals with opioid use disorder to opioid overdose reversal medication so that if they experience an overdose, they will have a second chance. As long as there is breath, there is hope for recovery.

Sec. 2. RCW 70.41.480 and 2019 c 314 s 18 are each amended to read as follows:

(1) The legislature finds that high quality, safe, and compassionate health care services for patients of Washington state must be available at all times. The legislature further finds that there is a need for patients being released from hospital emergency departments to maintain access to emergency medications when community or hospital pharmacy services are not available, including medication for opioid overdose reversal and for the treatment for opioid use disorder as appropriate. It is the intent of the legislature to accomplish this objective by allowing practitioners with prescriptive authority to prescribe limited amounts of prepackaged emergency medications to patients being discharged from hospital emergency departments when access to community or outpatient hospital pharmacy services is not otherwise available.

(2) A hospital may allow a practitioner to prescribe prepackaged emergency medications and allow a practitioner or a registered nurse licensed under chapter 18.79 RCW to distribute prepackaged emergency medications to patients being discharged from a hospital emergency department in the following circumstances:

(a) During times when community or outpatient hospital pharmacy services are not available within fifteen miles by road; or

(b) When, in the judgment of the practitioner and consistent with hospital policies and procedures, a patient has no reasonable ability to reach the local community or outpatient pharmacy (~~(+ - or -~~

~~(e) When, in the judgment of the practitioner and consistent with hospital policies and procedures, a patient is at risk of opioid overdose and the prepackaged emergency medication being distributed is an opioid overdose reversal medication. The labeling requirements of RCW 69.41.050 and 18.64.246 do not apply to opioid overdose reversal medications dispensed, distributed, or delivered pursuant to a prescription, collaborative drug therapy agreement, standing order, or protocol issued in accordance with this section. The individual or entity that dispenses, distributes, or delivers an opioid overdose reversal medication as authorized by this section must ensure that directions for use are provided).~~

(3) A hospital may only allow this practice if: The director of the hospital pharmacy, in collaboration with appropriate hospital medical staff, develops policies and procedures regarding the following:

(a) Development of a list, preapproved by the pharmacy director, of the types of emergency medications to be prepackaged and distributed;

(b) Assurances that emergency medications to be prepackaged pursuant to this section are prepared by a pharmacist or under the supervision of a pharmacist licensed under chapter 18.64 RCW;

(c) Development of specific criteria under which emergency prepackaged medications may be prescribed and distributed consistent with the limitations of this section;

(d) Assurances that any practitioner authorized to prescribe prepackaged emergency medication or any nurse authorized to distribute prepackaged emergency medication is trained on the types of medications available and the circumstances under which they may be distributed;

(e) Procedures to require practitioners intending to prescribe prepackaged emergency medications pursuant to this section to maintain a valid prescription either in writing or electronically in the patient's records prior to a medication being distributed to a patient;

(f) Establishment of a limit of no more than a forty-eight hour supply of emergency medication as the maximum to be dispensed to a patient, except when

community or hospital pharmacy services will not be available within forty-eight hours. In no case may the policy allow a supply exceeding ninety-six hours be dispensed;

(g) Assurances that prepackaged emergency medications will be kept in a secure location in or near the emergency department in such a manner as to preclude the necessity for entry into the pharmacy; and

(h) Assurances that nurses or practitioners will distribute prepackaged emergency medications to patients only after a practitioner has counseled the patient on the medication.

(4) The delivery of a single dose of medication for immediate administration to the patient is not subject to the requirements of this section.

(5) Nothing in this section restricts the authority of a practitioner in a hospital emergency department to distribute opioid overdose reversal medication under RCW 69.41.095.

(6) A practitioner in a hospital emergency department must dispense or distribute opioid overdose reversal medication in compliance with section 3 of this act.

(7) For purposes of this section:

(a) "Emergency medication" means any medication commonly prescribed to emergency department patients, including those drugs, substances or immediate precursors listed in schedules II through V of the uniform controlled substances act, chapter 69.50 RCW, as now or hereafter amended.

(b) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(c) "Opioid overdose reversal medication" has the same meaning as provided in RCW 69.41.095.

(d) "Practitioner" means any person duly authorized by law or rule in the state of Washington to prescribe drugs as defined in RCW 18.64.011(29).

~~((d))~~ (e) "Nurse" means a registered nurse as defined in RCW 18.79.020.

NEW SECTION. Sec. 3. A new section is added to chapter 70.41 RCW to read as follows:

(1) A hospital shall provide a person who presents to an emergency department with symptoms of an opioid overdose, opioid use disorder, or other adverse event related to opioid use with opioid overdose reversal medication upon discharge, unless the treating practitioner determines in their clinical and professional judgment that dispensing or distributing opioid overdose reversal medication is not appropriate or the practitioner has confirmed that the patient already has opioid overdose reversal medication. If the hospital dispenses or distributes opioid overdose reversal medication it must provide directions for use.

(2) The opioid overdose reversal medication may be dispensed with technology used to dispense medications.

(3) A person who is provided opioid overdose reversal medication under this section must be provided information and resources about medication for opioid use disorder and harm reduction strategies and services which may be available, such as substance use disorder treatment services and substance use disorder peer counselors. This information should be available in all languages relevant to the communities that the hospital serves.

(4) The labeling requirements of RCW 69.41.050 and 18.64.246 do not apply to opioid overdose reversal medications dispensed or distributed in accordance with this section.

(5) Until the opioid overdose reversal medication bulk purchasing and distribution program established in section 7 of this act is operational:

(a) If the patient is enrolled in a medical assistance program under chapter 74.09 RCW, the hospital must bill the patient's medicaid benefit for the patient's opioid overdose reversal medication utilizing the appropriate billing codes established by the health care authority. This billing must be separate from and in addition to the payment for the other services provided during the hospital visit.

(b) If the patient has available health insurance coverage other than medical assistance under chapter 74.09 RCW, the hospital must bill the patient's health plan for the cost of the opioid overdose reversal medication.

(c) For patients who are not enrolled in medical assistance and do not have any

other available insurance coverage, the hospital must bill the health care authority for the cost of the patient's opioid overdose reversal medication.

(6) This section does not prohibit a hospital from dispensing opioid overdose reversal medication to a patient at no cost to the patient out of the hospital's prepurchased supply.

(7) Nothing in this section prohibits or modifies a hospital's ability or responsibility to bill a patient's health insurance or to provide financial assistance as required by state or federal law.

(8) A hospital, its employees, and its practitioners are immune from suit in any action, civil or criminal, or from professional or other disciplinary action, for action or inaction in compliance with this section.

(9) For purposes of this section:

(a) "Opioid overdose reversal medication" has the meaning provided in RCW 69.41.095.

(b) "Practitioner" has the meaning provided in RCW 18.64.011.

NEW SECTION. **Sec. 4.** A new section is added to chapter 71.24 RCW to read as follows:

(1) For any client presenting with symptoms of an opioid use disorder, or who reports recent use of opioids outside legal authority, all licensed or certified behavioral health agencies that provide individuals treatment for mental health or substance use disorder, withdrawal management, secure withdrawal management, evaluation and treatment, or opioid treatment programs must during the client's intake, discharge, or treatment plan review, as appropriate:

(a) Inform the client about opioid overdose reversal medication and ask whether the client has opioid overdose reversal medication; and

(b) If a client does not possess opioid overdose reversal medication, unless the behavioral health provider determines using clinical and professional judgment that opioid overdose reversal medication is not appropriate, the behavioral health provider must:

(i) Prescribe the client opioid overdose reversal medication or utilize the statewide naloxone standing order; and

(ii) Assist the client in directly obtaining opioid overdose reversal medication as soon as practical by:

(A) Directly dispensing the opioid overdose reversal medication, if authorized by state law;

(B) Partnering with a pharmacy to obtain the opioid overdose reversal medication on the client's behalf and distributing the opioid overdose reversal medication to the client;

(C) Assisting the client in utilizing a mail order pharmacy or pharmacy that mails prescription drugs directly to the behavioral health agency or client and distributing the opioid overdose reversal medication to the client, if necessary;

(D) Obtaining and distributing opioid overdose reversal medication through the bulk purchasing and distribution program established in section 7 of this act; or

(E) Using any other resources or means authorized by state law to provide opioid overdose reversal medication.

(2) Until the opioid overdose reversal medication bulk purchasing and distribution program established in section 7 of this act is operational, if a behavioral health agency listed in subsection (1) of this section dispenses, distributes, or otherwise assists the client in directly obtaining the opioid overdose reversal medication such that the agency is the billing entity, the behavioral health agency must:

(a) For clients enrolled in medical assistance under chapter 74.09 RCW, bill the client's medicaid benefit for the client's opioid overdose reversal medication utilizing the appropriate billing codes established by the health care authority.

(b) For clients with available health insurance coverage other than medical assistance under chapter 74.09 RCW, bill the client's health plan for the cost of the opioid overdose reversal medication.

(c) For clients who are not enrolled in medical assistance under chapter 74.09 RCW and do not have any other available health insurance coverage, bill the health care authority for the cost of the client's opioid overdose reversal medication.

(3) A pharmacy that dispenses opioid overdose reversal medication through a

partnership or relationship with a behavioral health agency as described in subsection (1) of this section must bill the health care authority for the cost of the client's opioid overdose reversal medication for clients that are not enrolled in medical assistance under chapter 74.09 RCW and do not have any other available health insurance coverage.

(4) The labeling requirements of RCW 69.41.050 and 18.64.246 do not apply to opioid overdose reversal medication dispensed or delivered in accordance with this section.

(5) A person who is provided opioid overdose reversal medication under this section must be provided information and resources about medication for opioid use disorder and harm reduction strategies and services which may be available, such as substance use disorder treatment services and substance use disorder peer counselors. This information should be available in all languages relevant to the communities that the behavioral health agency serves.

(6) The individual or entity that dispenses, distributes, or delivers an opioid overdose reversal medication in accordance with this section shall ensure that the directions for use are provided.

(7) Actions taken in compliance with subsection (1) of this section by an entity that provides only mental health treatment may not be construed as the entity holding itself out as providing or in fact providing substance use disorder diagnosis, treatment, or referral for treatment for purposes of state or federal law.

(8) A behavioral health agency, its employees, and providers are immune from suit in any action, civil or criminal, or from professional or other disciplinary action, for action or inaction in compliance with this section.

(9) For purposes of this section, "opioid overdose reversal medication" has the meaning provided in RCW 69.41.095.

NEW SECTION. **Sec. 5.** A new section is added to chapter 74.09 RCW to read as follows:

Until the opioid overdose reversal medication bulk purchasing and distribution program established in section 7 of this act is operational:

(1) Upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed care organization must reimburse a hospital or behavioral health agency for dispensing or distributing opioid overdose reversal medication to a covered person under sections 3 and 4 of this act.

(2) If the person is not enrolled in a medicaid managed care plan and does not have any other available insurance coverage, the authority must reimburse a hospital, behavioral health agency, or pharmacy for dispensing or distributing opioid overdose reversal medication under sections 3 and 4 of this act.

NEW SECTION. **Sec. 6.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority, in consultation with the department of health, the office of the insurance commissioner, and the addictions, drug, and alcohol institute at the University of Washington, shall provide technical assistance to hospitals and licensed or certified, behavioral health agencies to assist these entities, practitioners, and providers in complying with sections 3 and 4 of this act. The technical assistance provided to behavioral health agencies must include:

(a) Training nonmedical providers on distributing and providing client education and directions for use of opioid overdose reversal medication;

(b) Providing written guidance for billing for opioid overdose reversal medication; and

(c) Analyzing the cost of additional behavioral health agency staff time to carry out the activities in section 4 of this act, and providing written guidance no later than January 1, 2022, for funding and billing direct service activities related to assisting clients to obtain opioid overdose reversal medication.

(2) The authority shall develop written materials in all relevant languages for each hospital and applicable licensed or certified behavioral health agency to comply with sections 3 and 4 of this act, including directions for the use of opioid overdose reversal medication, and provide them to all hospitals and behavioral health agencies by January 1, 2022.

NEW SECTION. **Sec. 7.** A new section is added to chapter 70.14 RCW to read as follows:

(1) As soon as reasonably practicable, the health care authority shall establish a bulk purchasing and distribution program for opioid overdose reversal medication. The health care authority is authorized to:

(a) Purchase or enter into contracts as necessary to purchase and distribute opioid overdose reversal medication, collect an assessment, and administer the program;

(b) Bill, charge, and receive payment from health carriers, managed health care systems, and to the extent that any self-insured health plans choose to participate, self-insured health plans; and

(c) Perform any other functions as may be necessary or proper to establish and administer the program.

(2) To establish and administer the opioid overdose reversal medication bulk purchasing and distribution program, the health care authority may adopt rules providing the following:

(a) A dosage-based assessment and formula to determine the assessment for each opioid overdose reversal medication provided to an individual through the program that includes administrative costs of the program;

(b) The mechanism, requirements, and timeline for health carriers, managed health care systems, and self-insured plans to pay the dosage-based assessments;

(c) The types of health care facilities, health care providers, or other entities that are required to or are permitted to participate in the program;

(d) The billing procedures for any participating health care facility, health care provider, or other entity participating in the program; and

(e) Any other rules necessary to establish, implement, or administer the program.

(3) The following agencies, health plans, and insurers must participate in the bulk purchasing and distribution program:

(a) Health carriers;

(b) Managed health care systems administering a medicaid managed care plan; and

(c) The health care authority for purposes of:

(i) Health plans offered to public employees and their dependents;

(ii) Individuals enrolled in medical assistance under chapter 74.09 RCW that are not enrolled in a managed care plan; and

(iii) Uninsured individuals.

(4) The health care authority may establish an interest charge for late payment of any assessment under this section. The health care authority shall assess a civil penalty against any health carrier, managed health care system, or self-insured health plan that fails to pay an assessment within three months of billing. The civil penalty under this subsection is 150 percent of such assessment. The health care authority is authorized to file liens and seek judgment to recover amounts in arrears and civil penalties, and recover reasonable collection costs, including reasonable attorneys' fees and costs. Civil penalties so levied must be deposited in the opioid overdose reversal medication account created in section 8 of this act.

(5) The health care authority in coordination with the office of the insurance commissioner may recommend to the appropriate committees of the legislature the termination of the bulk purchasing and distribution mechanism for opioid overdose reversal medication if it finds that the original intent of its formation and operation has not been achieved.

(6) By January 1, 2022, the health care authority shall submit a report to the legislature on the progress towards establishing the bulk purchasing and distribution program. The health care authority shall submit an updated report on the progress towards establishing the bulk purchasing and distribution program by January 1, 2023.

(7) By July 1, 2025, the health care authority shall submit recommendations to the appropriate committees of the legislature on whether and how the opioid overdose reversal medication bulk purchasing and distribution program may

be expanded to include other prescription drugs.

(8) "Opioid overdose reversal medication" has the same meaning as provided in RCW 69.41.095.

NEW SECTION. **Sec. 8.** A new section is added to chapter 70.14 RCW to read as follows:

The opioid overdose reversal medication account is created in the custody of the state treasurer. All receipts from collections under section 7 of this act must be deposited into the account. Expenditures from the account may be used only for the operation and administration of the opioid overdose reversal medication bulk purchasing and distribution program identified in section 7 of this act. Only the director of the health care authority or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 9. RCW 39.26.125 and 2012 c 224 s 14 are each amended to read as follows:

All contracts must be entered into pursuant to competitive solicitation, except for:

(1) Emergency contracts;

(2) Sole source contracts that comply with the provisions of RCW 39.26.140;

(3) Direct buy purchases, as designated by the director. The director shall establish policies to define criteria for direct buy purchases. These criteria may be adjusted to accommodate special market conditions and to promote market diversity for the benefit of the citizens of the state of Washington;

(4) Purchases involving special facilities, services, or market conditions, in which instances of direct negotiation is in the best interest of the state;

(5) Purchases from master contracts established by the department or an agency authorized by the department;

(6) Client services contracts;

(7) Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process when the director determines that

a competitive solicitation process is not appropriate or cost-effective;

(8) Off-contract purchases of Washington grown food when such food is not available from Washington sources through an existing contract. However, Washington grown food purchased under this subsection must be of an equivalent or better quality than similar food available through the contract and must be able to be paid from the agency's existing budget. This requirement also applies to purchases and contracts for purchases executed by state agencies, including institutions of higher education as defined in RCW 28B.10.016, under delegated authority granted in accordance with this chapter or under RCW 28B.10.029;

(9) Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;

(10) Intergovernmental agreements awarded to any governmental entity, whether federal, state, or local and any department, division, or subdivision thereof;

(11) Contracts for services that are necessary to the conduct of collaborative research if the use of a specific contractor is mandated by the funding source as a condition of granting funds;

(12) Contracts for architectural and engineering services as defined in RCW 39.80.020, which shall be entered into under chapter 39.80 RCW;

(13) Contracts for the employment of expert witnesses for the purposes of litigation; (~~and~~)

(14) Contracts for bank supervision authorized under RCW (~~30.38.040~~) 30A.38.040; and

(15) Contracts for the purchase of opioid overdose reversal medication authorized under section 7 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 41.05 RCW to read as follows:

A health plan offered to public employees and their covered dependents under this chapter that is issued or renewed on or after January 1, 2023, must participate in the bulk purchasing and distribution program for opioid overdose reversal medication established in

section 7 of this act once the program is operational.

NEW SECTION. Sec. 11. A new section is added to chapter 48.43 RCW to read as follows:

For health plans issued or renewed on or after January 1, 2023, health carriers must participate in the opioid overdose reversal medication bulk purchasing and distribution program established in section 7 of this act once the program is operational. A health plan may not impose enrollee cost sharing related to opioid overdose reversal medication provided through the bulk purchasing and distribution program established in section 7 of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 74.09 RCW to read as follows:

(1) Upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system must participate in the opioid overdose reversal medication bulk purchasing and distribution program established in section 7 of this act once the program is operational.

(2) The health care authority must participate in the opioid overdose reversal medication bulk purchasing and distribution program established in section 7 of this act once the program is operational for purposes of individuals enrolled in medical assistance under this chapter that are not enrolled in a managed care plan and are uninsured individuals.

NEW SECTION. Sec. 13. (1) The health care authority may adopt rules necessary to implement sections 7 through 12 of this act.

(2) The insurance commissioner may adopt rules necessary to implement sections 7 and 11 of this act.

NEW SECTION. Sec. 14. Sections 2 through 4 of this act take effect January 1, 2022."

Correct the title.

Representative Davis spoke in favor of the adoption of the striking amendment.

Striking amendment (680) was adopted.

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

Representatives Davis and Barkis spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5195, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5195, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, 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, Jacobsen, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, 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, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Klippert, McCaslin, McEntire, Orcutt, Schmick and Walsh.

Excused: Representative J. Johnson.

SECOND SUBSTITUTE SENATE BILL NO. 5195, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5315, by Senate Committee on Ways & Means (originally sponsored by Mullet and Dozier)

Concerning captive insurance.

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 Kirby and Vick 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 Second Substitute Senate Bill No. 5315.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5315, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

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, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, 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 Paul.

Excused: Representative J. Johnson.

SECOND SUBSTITUTE SENATE BILL NO. 5315, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5220, by Senators Van De Wege and Rolfes

Concerning the taxation of salmon recovery grants by updating the state business and occupation tax deduction for these grants, creating a sales and use tax exemption for grant proceeds received by recipients of these grants, and clarifying the sales and use tax obligations for goods and services purchased by recipients of these grants.

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 Berg and Orcutt 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 Senate Bill No. 5220.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5220, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

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, 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.

Excused: Representative J. Johnson.

ENGROSSED SENATE BILL NO. 5220, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5430, by Senator Mullet

Concerning the advanced college tuition payment program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on College & Workforce Development was adopted. (For Committee amendment, see Journal, Day 74, March 25, 2021).

With the consent of the House, amendment (535) was withdrawn.

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

Representatives Bergquist and Chambers 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 Senate Bill No. 5430, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5430, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

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, 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.

Excused: Representative J. Johnson.

SENATE BILL NO. 5430, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5135, by Senators Das, Hasegawa, Nguyen, Stanford and C. Wilson

Concerning unlawfully summoning a police officer.

The bill was read the second time.

Representative Abbarno moved the adoption of amendment (523):

On page 1, beginning on line 8, after "person" strike all material through "interests" on line 19 and insert ":

(a) With the intent to (i) infringe on the other person's rights under the Washington state or United States Constitutions; or (ii) unlawfully discriminate against the other person; or

(b) Where the person's conduct constitutes extreme and outrageous conduct, the person intentionally or recklessly inflicted emotional distress on the other person, and the other person actually suffers severe emotional distress as a result"

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (523) was not adopted.

Representative Walsh moved the adoption of amendment (520):

On page 1, beginning on line 12, strike all of subsection (c)

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

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (520) was not adopted.

Representative Gilday moved the adoption of amendment (525):

On page 2, line 12, after "prevailing" strike "plaintiff" and insert "party"

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (525) was not adopted.

Representative Klippert moved the adoption of amendment (529):

On page 2, line 13, after "(5)" insert "If the court finds that the plaintiff's claim was made without justification, for purposes of harassment, or with malice or other bad faith, the court may impose sanctions, including but not limited to the imposition of reasonable attorneys' fees and costs of litigation, and other appropriate relief as determined by the court.

(6) "

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (529) was not adopted.

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

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

Representatives Walsh and Abbarno 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 Senate Bill No. 5135.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5135, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

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

ENGROSSED SENATE BILL NO. 5135, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5353, by Senate Committee on Law & Justice (originally sponsored by Conway, Darnelle, Nguyen and C. Wilson)

Creating a partnership model that facilitates community engagement with law enforcement.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Mosbrucker moved the adoption of amendment (682) to the committee striking amendment:

On page 2, beginning on line 20 of the striking amendment, after "organization" strike all material through "agency" on line 21

On page 2, line 33 of the striking amendment, after "(4)" insert "A law enforcement agency applying for a grant award shall not be considered an eligible applicant unless there are no other eligible applicants from the community or county the law enforcement agency serves.

(5) "

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

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

Amendment (682) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives Goodman and Mosbrucker 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 Senate Bill No. 5353, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5353, as amended by the House, 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, 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.

Voting nay: Representative Dufault.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5353, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5034, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Padden and Mullet)

Concerning nonprofit corporations.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

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

Representatives Hansen 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 Substitute Senate Bill No. 5034, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5034, as amended by the House, 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.

SUBSTITUTE SENATE BILL NO. 5034, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

SENATE BILL NO. 5019, by Senators Kuderer, Hunt, Brown and C. Wilson

Concerning the recording standards commission.

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 Pollet and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5019.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5019, 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.

SENATE BILL NO. 5019, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5009, by Senate Committee on Law & Justice (originally sponsored by Padden, Pedersen, Brown, McCune and Mullet)

Enacting the uniform public expression protection act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 75, March 26, 2021).

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

Representatives Hansen and Walsh spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5009, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5009, as amended by the House, 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.

SUBSTITUTE SENATE BILL NO. 5009, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5194, by Senate Committee on Ways & Means (originally sponsored by Liias, Hasegawa, Das, Hunt, Keiser, Nguyen and C. Wilson)

Providing for equity and access in the community and technical colleges. Revised for 2nd Substitute: Providing for equity and access in the community and technical colleges. (REVISED FOR ENGROSSED: Concerning equity and access in higher education.)

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on College & Workforce Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Jacobsen moved the adoption of amendment (679) to the committee striking amendment:

On page 5, beginning on line 25 of the striking amendment, after "through" strike "converting part-time faculty positions to" and insert "first offering current, part-time adjunct faculty"

On page 5, line 26 of the striking amendment, after "and" strike "by" and insert "then"

Representative Jacobsen spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Pollet spoke against the adoption of the amendment to the committee striking amendment.

Amendment (679) to the committee striking amendment was not adopted.

Representative Jacobsen moved the adoption of amendment (678) to the committee striking amendment:

On page 5, beginning on line 16 of the striking amendment, after "**Sec. 5.**" strike all material through "2024" on page 6, line 11 and insert: "ADJUNCT

FACULTY SALARY AND BENEFITS. The legislature recognizes the important role of adjunct faculty at community and technical colleges that serve the vital role of educating students in a field which they are also employed or have recently been employed. Adjunct faculty often serve as informal counselors and mentors to students who look to them for education and career advice which increases student outcomes and success, especially for first generation and underserved students. The legislature therefore intends to increase the salary and benefits of adjunct faculty at community and technical colleges to the extent that specific funding for this purpose is provided in the omnibus appropriations act"

Representatives Jacobsen and Boehnke spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Pollet spoke against the adoption of the amendment to the committee striking amendment.

Amendment (678) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

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

Representatives Pollet and Ortiz-Self spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5194, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5194, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5194, as amended by the House, 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:

SUBSTITUTE SENATE BILL NO. 5003
 SENATE BILL NO. 5031
 SENATE BILL NO. 5063
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5071
 SUBSTITUTE SENATE BILL NO. 5080
 SECOND SUBSTITUTE SENATE BILL NO. 5265
 SUBSTITUTE SENATE BILL NO. 5378
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5395

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1061
 SUBSTITUTE HOUSE BILL NO. 1166
 HOUSE BILL NO. 1167
 SUBSTITUTE HOUSE BILL NO. 1170
 SUBSTITUTE HOUSE BILL NO. 1225
 SUBSTITUTE HOUSE BILL NO. 1301
 SUBSTITUTE HOUSE BILL NO. 1302
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1382
 SUBSTITUTE HOUSE BILL NO. 1455
 SENATE BILL NO. 5005
 SENATE BILL NO. 5015
 SENATE BILL NO. 5016
 SENATE BILL NO. 5018
 ENGROSSED SENATE BILL NO. 5026
 SENATE BILL NO. 5046
 SUBSTITUTE SENATE BILL NO. 5068
 SENATE BILL NO. 5106
 SENATE BILL NO. 5131
 SUBSTITUTE SENATE BILL NO. 5152
 SUBSTITUTE SENATE BILL NO. 5169
 SENATE BILL NO. 5184

SUBSTITUTE SENATE BILL NO. 5228
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5284
 SENATE BILL NO. 5296
 SENATE BILL NO. 5303
 SUBSTITUTE SENATE BILL NO. 5325
 SENATE BILL NO. 5347
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5355
 ENGROSSED SENATE BILL NO. 5356
 ENGROSSED SENATE BILL NO. 5372
 SUBSTITUTE SENATE BILL NO. 5384
 SENATE BILL NO. 5385
 SUBSTITUTE SENATE BILL NO. 5425
 SENATE BILL NO. 5431

The Speaker called upon Representative Lovick to
 preside.

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

MESSAGES FROM THE SENATE

April 8, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1271,
 SECOND SUBSTITUTE HOUSE BILL NO. 1325,
 HOUSE BILL NO. 1495,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 9, 2021

Mme. SPEAKER:

The President has signed:

HOUSE BILL NO. 1001,
 HOUSE BILL NO. 1009,
 HOUSE BILL NO. 1023,
 HOUSE BILL NO. 1031,
 HOUSE BILL NO. 1063,
 HOUSE BILL NO. 1072,
 HOUSE BILL NO. 1087,
 HOUSE BILL NO. 1096,
 SECOND SUBSTITUTE HOUSE BILL NO. 1148,
 ENGROSSED HOUSE BILL NO. 1192,
 SUBSTITUTE HOUSE BILL NO. 1209,
 SUBSTITUTE HOUSE BILL NO. 1221,
 SUBSTITUTE HOUSE BILL NO. 1276,
 SUBSTITUTE HOUSE BILL NO. 1331,
 ENGROSSED HOUSE BILL NO. 1342,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372,
 SUBSTITUTE HOUSE BILL NO. 1424,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,
 SUBSTITUTE HOUSE BILL NO. 1445,
 SUBSTITUTE HOUSE BILL NO. 1446,

HOUSE BILL NO. 1469,
 SUBSTITUTE HOUSE BILL NO. 1493,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1521,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

SECOND READING

**SECOND SUBSTITUTE SENATE BILL NO. 5396,
 by Senate Committee on Ways & Means (originally
 sponsored by Lovelett, Saldaña, Conway, Das, Kuderer,
 Nguyen and C. Wilson)**

**Expanding the sales and use tax exemption for
 farmworker housing.**

The bill was read the second time.

With the consent of the House, amendment (531) was
 withdrawn.

Representative Dufault moved the adoption of
 amendment (530):

On page 2, line 26, after "services"
 insert ", except in cases where the total
 amount of exempted tax for a given
 housing project is less than \$50,000"

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

Representative Springer spoke against the adoption of
 the amendment.

Amendment (530) was not adopted.

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

Representatives Ryu and Berg spoke in favor of the
 passage of the bill.

Representatives Dufault, Ybarra and Klicker spoke
 against the passage of the bill.

The Speaker (Representative Lovick presiding) stated
 the question before the House to be the final passage of
 Second Substitute Senate Bill No. 5396.

ROLL CALL

The Clerk called the roll on the final passage of Second
 Substitute Senate Bill No. 5396, and the bill passed the
 House by the following vote: Yeas, 57; Nays, 41; Absent,
 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, 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, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SECOND SUBSTITUTE SENATE BILL NO. 5396, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5172, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by King, Brown, Fortunato, Honeyford, Muzzall, Schoesler, Short and Wagoner)

Concerning the retroactivity of overtime claims in exceptional cases. Revised for 1st Substitute: Concerning the retroactivity of overtime claims in exceptional cases. (REVISED FOR ENGROSSED: Providing overtime standards for the agricultural workforce.)

The bill was read the second time.

Representative Hoff moved the adoption of striking amendment (677):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In order to stabilize, strengthen, and protect our state's agricultural workforce and economy, it is the intent of the legislature to pass the laws necessary to protect farmworkers and to provide agricultural employers with certainty and predictability.

The legislature intends to address the historical exceptions of agricultural work from overtime standards from both the federal fair labor standards act and the state minimum wage act when they were enacted over 60 years ago. Excluded from the opportunity to earn overtime pay, farmworkers across our state remain among our state's poorest workers. A United States department of labor study in 2016 found that nationally, 30 percent of farmworker families live below the

poverty line, almost double the poverty rate of American families overall. The state department of health found that the current novel coronavirus pandemic has had a significant and disproportionate impact on farmworkers. The virus' risks to essential farmworkers from potential workplace exposures are compounded by systemic barriers to testing, prevention measures, and medical care.

The legislature also intends to avoid disruptions within the state's vital agricultural sector. While Washington is well known as the national leader in apple production, the state's agricultural sector is incredibly diverse: Over 300 crops are harvested, and a variety of livestock are raised on over 35,000 farms across the state. The robust size of our agricultural sector means our state overall ranks in the top 10 nationally in the size of our farm labor force. Agriculture is a cornerstone of our state economy. Uncertainty from recent legal decisions regarding overtime standards are compounding the pandemic's disruptions to the food chain and the safety challenges of operating during a public health crisis.

The legislature intends to provide clear overtime standards to reduce litigation between parties in this key sector of the state's economy during the challenges and additional costs brought on by the novel coronavirus and to protect the security of our food supply chain. This act's transitional approach is reasonable to achieve the legislature's purpose of increasing the safety of an at risk and essential workforce, increasing the public welfare of low-income individuals by removing a historical barrier to their earning potential, and maintaining the food security and economic security provided by a stable agricultural sector.

Sec. 2. RCW 49.46.130 and 2013 c 207 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section, no employer shall employ any of his or her employees for a workweek longer than forty hours unless such employee receives compensation for his or her employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he or she is employed.

(2) This section does not apply to:

(a) Any person exempted pursuant to RCW 49.46.010(3). The payment of

compensation or provision of compensatory time off in addition to a salary shall not be a factor in determining whether a person is exempted under RCW 49.46.010(3)(c);

(b) Employees who request compensating time off in lieu of overtime pay;

(c) Any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel;

(d) Seasonal employees who are employed at concessions and recreational establishments at agricultural fairs, including those seasonal employees employed by agricultural fairs, within the state provided that the period of employment for any seasonal employee at any or all agricultural fairs does not exceed fourteen working days a year;

(e) Any individual employed as a motion picture projectionist if that employee is covered by a contract or collective bargaining agreement which regulates hours of work and overtime pay;

(f) An individual employed as a truck or bus driver who is subject to the provisions of the Federal Motor Carrier Act (49 U.S.C. Sec. 3101 et seq. and 49 U.S.C. Sec. 10101 et seq.), if the compensation system under which the truck or bus driver is paid includes overtime pay, reasonably equivalent to that required by this subsection, for working longer than forty hours per week;

(g) Any individual employed (~~((i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing, or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection~~

~~with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption)) as an agricultural employee. This exemption from subsection (1) of this section applies only until December 31, 2021;~~

(h) Any industry in which federal law provides for an overtime payment based on a workweek other than forty hours. However, the provisions of the federal law regarding overtime payment based on a workweek other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state. For the purposes of this subsection, "industry" means a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259));

(i) Any hours worked by an employee of a carrier by air subject to the provisions of subchapter II of the Railway Labor Act (45 U.S.C. Sec. 181 et seq.), when such hours are voluntarily worked by the employee pursuant to a shift-trading practice under which the employee has the opportunity in the same or in other workweeks to reduce hours worked by voluntarily offering a shift for trade or reassignment; and

(j) Any individual licensed under chapter 18.85 RCW unless the individual is providing real estate brokerage services under a written contract with a real estate firm which provides that the individual is an employee. For purposes of this subsection (2)(j), "real estate brokerage services" and "real estate firm" mean the same as defined in RCW 18.85.011.

(3) No employer shall be deemed to have violated subsection (1) of this section by employing any employee of a retail or service establishment for a workweek in excess of the applicable workweek specified in subsection (1) of this section if:

(a) The regular rate of pay of the employee is in excess of one and one-half times the minimum hourly rate required under RCW 49.46.020; and

(b) More than half of the employee's compensation for a representative period, of not less than one month,

represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate is to be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

(4) No employer of commissioned salespeople primarily engaged in the business of selling automobiles, trucks, recreational vessels, recreational vessel trailers, recreational vehicle trailers, recreational campers, manufactured housing, or farm implements to ultimate purchasers shall violate subsection (1) of this section with respect to such commissioned salespeople if the commissioned salespeople are paid the greater of:

(a) Compensation at the hourly rate, which may not be less than the rate required under RCW 49.46.020, for each hour worked up to forty hours per week, and compensation of one and one-half times that hourly rate for all hours worked over forty hours in one week; or

(b) A straight commission, a salary plus commission, or a salary plus bonus applied to gross salary.

(5) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his or her work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his or her work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he or she is employed.

(6) (a) Beginning January 1, 2022, any agricultural employee shall not be employed for more than 55 hours in any one workweek unless the agricultural

employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 55 in any one workweek.

(b) Beginning January 1, 2023, any agricultural employee shall not be employed for more than 48 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 48 in any one workweek.

(c) Beginning January 1, 2024, any agricultural employee shall not be employed for more than 40 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 40 in any one workweek.

(7) (a) No damages, statutory or civil penalties, attorneys' fees and costs, or other type of relief may be granted against an employer to an agricultural or dairy employee seeking unpaid overtime due to the employee's historical exclusion from overtime under subsection (2) (g) of this section, as it existed on November 4, 2020.

(b) This subsection applies to all claims, causes of actions, and proceedings commenced on or after November 5, 2020, regardless of when the claim or cause of action arose. To this extent, this subsection applies retroactively, but in all other respects it applies prospectively.

(c) This subsection does not apply to dairy employees entitled to backpay or other relief as a result of being a member in

the class of plaintiffs in Martinez-Cuevas v. DeRuyter Bros. Dairy, 196 Wn.2d 506 (2020).

(8) For the purposes of this section, "agricultural employee" means any individual employed: (a) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools

and equipment; (b) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (c) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption. An agricultural employee does not include a dairy employee.

(9) For the purposes of this section, "dairy employee" includes any employee engaged in dairy cattle and milk production activities described in code 112120 of the North American industry classification system."

Correct the title.

Representatives Hoff and Sells spoke in favor of the adoption of the striking amendment.

Striking amendment (677) was adopted.

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

Representatives Hoff and Ortiz-Self spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5172, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5172, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; 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, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele,

Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, McCaslin, McEntire, Robertson, Stokesbary, Sutherland and Walsh.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5172, as amended by the House, 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 SENATE BILL NO. 5367 and the bill was placed on the second reading calendar.

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5227, by Senate Committee on Ways & Means (originally sponsored by Randall, Nobles, Das, Lovelett, C. Wilson, Hasegawa, Hunt, Keiser, Kuderer, Liias, Nguyen and Stanford)

Requiring diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education. Revised for 2nd Substitute: Concerning diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on College & Workforce Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 82, April 2, 2021).

With the consent of the House, amendments (575) and (577) were withdrawn.

Representative Chambers moved the adoption of amendment (572) to the committee striking amendment:

On page 2, line 26 of the striking amendment, after "communities." insert "The program must also include elements that focus on commonalities and humanity."

On page 5, line 18 of the striking amendment, after "communities." insert "The program must also include elements that focus on commonalities and humanity."

Representatives Chambers and Slatter spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (572) to the committee striking amendment was adopted.

Representative Chambers moved the adoption of amendment (571) to the committee striking amendment:

On page 2, line 28 of the striking amendment, after "community." insert "Faculty and staff's freedom of speech must be respected, and they may not be required to share their own race, ethnicity, religion, sexual orientation, or gender, or their views on such."

On page 5, line 20 of the striking amendment, after "community." insert "Students' freedom of speech must be respected, and students may not be required to share their own race, ethnicity, religion, sexual orientation, or gender, or their views on such."

Representatives Chambers and Rude spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Hansen and Entenman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (571) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives Slatter and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5227, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5227, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey,

Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Rude, Schmick, Sutherland, Vick, Volz, Walsh and Young.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5227, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

MESSAGES FROM THE SENATE

April 8, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5126,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

April 9, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1016,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113,
SUBSTITUTE HOUSE BILL NO. 1250,
ENGROSSED HOUSE BILL NO. 1251,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 9, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5478,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House adjourned until 10:00 a.m., April 10, 2021, the 90th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

1001	Messages	18	Messages	18
1009	Messages	18	1426-S	Messages
1016-S	Messages	23	1445-S	Messages
1023	Messages	18	1446-S	Messages
1031	Messages	18	1455-S	Speaker Signed
1061-S2	Speaker Signed	17	1469	Messages
1063	Messages	18	1493-S	Messages
1072	Messages	18	1495	Messages
1087	Messages	18	1521-S	Messages
1096	Messages	18	1529-S	Messages
1113-S	Messages	23	5003-S	Other Action
1148-S2	Messages	18	5005	Speaker Signed
1166-S	Speaker Signed	17	5005	Messages
1167	Speaker Signed	17	5009-S	Second Reading
1170-S	Speaker Signed	17	5009-S	Third Reading Final Passage
1192	Messages	18	5015	Speaker Signed
1209-S	Messages	18	5015	Messages
1221-S	Messages	18	5016	Speaker Signed
1225-S	Speaker Signed	17	5016	Messages
1250-S	Messages	23	5018	Speaker Signed
1251	Messages	23	5018	Messages
1271	Messages	18	5019	Second Reading
1276-S	Messages	18	5019	Third Reading Final Passage
1301-S	Speaker Signed	17	5026	Speaker Signed
1302-S	Speaker Signed	17	5026	Messages
1325-S2	Messages	18	5031	Other Action
1331-S	Messages	18	5031	Other Action
1342	Messages	18	5034-S	Second Reading
1372-S	Messages	18	5034-S	Third Reading Final Passage
1382-S2	Speaker Signed	17	5046	Speaker Signed
1424-S			5046	Messages
			5048	Second Reading
			5048	Third Reading Final Passage
			5063	Other Action
			5068-S	Speaker Signed
			5068-S	Messages
			5071-S2	Other Action
			5071-S2	Other Action
			5080-S	

Other Action	17	Messages	1
5106		5303	
Speaker Signed	17	Speaker Signed.....	18
Messages.....	1	Messages	1
5126-S2		5304-S2	
Messages.....	23	Second Reading.....	1
5131		Amendment Offered.....	1, 2
Speaker Signed	17	Third Reading Final Passage.....	3
Messages.....	1	5315-S2	
5135		Second Reading.....	12
Second Reading	13	Third Reading Final Passage.....	12
Amendment Offered	13, 14	5325-S	
Third Reading Final Passage	14	Speaker Signed.....	18
5146		Messages	1
Second Reading	4	5347	
Third Reading Final Passage	4	Speaker Signed.....	18
5152-S		Messages	1
Speaker Signed	17	5353-S	
Messages.....	1	Second Reading.....	14
5169-S		Amendment Offered.....	14
Speaker Signed	17	Third Reading Final Passage.....	15
Messages.....	1	5355-S	
5172-S		Speaker Signed.....	18
Second Reading	19	Messages	1
Amendment Offered	19	5356	
Third Reading Final Passage	22	Speaker Signed.....	18
5178-S		Messages	1
Second Reading	3	5367	
Third Reading Final Passage	3	Other Action.....	22
5184		5372	
Speaker Signed	17	Speaker Signed.....	18
Messages.....	1	Messages	1
5194-S2		5378-S	
Second Reading	16	Other Action.....	17
Amendment Offered	16	5384-S	
Third Reading Final Passage	17	Speaker Signed.....	18
5195-S2		Messages	1
Second Reading	5	5385	
Amendment Offered	5	Speaker Signed.....	18
Third Reading Final Passage	12	Messages	1
5220		5395-S2	
Second Reading	12	Other Action.....	17
Third Reading Final Passage	13	5396-S2	
5227-S2		Second Reading.....	18
Second Reading	22	Amendment Offered.....	18
Amendment Offered	22, 23	Third Reading Final Passage.....	19
Third Reading Final Passage	23	5425-S	
5228-S		Speaker Signed.....	18
Speaker Signed	18	Messages	1
Messages.....	1	5430	
5265-S2		Second Reading.....	13
Other Action	17	Third Reading Final Passage.....	13
5271-S		5431	
Second Reading	4	Speaker Signed.....	18
Third Reading Final Passage	5	Messages	1
5284-S		5478-S	
Speaker Signed	18	Messages	23
Messages.....	1	HOUSE OF REPRESENTATIVES (Representative Orwall presiding)	
5296		Statement for the Journal Representative Klippert	3
Speaker Signed	18		