

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY FIFTH DAY

House Chamber, Olympia, Sunday, February 13, 2022

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Senior Leadership Counsel Cathy Hoover.

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

The Speaker assumed the chair.

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

INTRODUCTION & FIRST READING

HB 2120 by Representatives Young and Walsh

AN ACT Relating to crimes involving emergency services; amending RCW 9.94A.515 and 9.94A.515; adding new sections to chapter 9A.56 RCW; creating a new section; prescribing penalties; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Public Safety.

2SSB 5406 by Senate Committee on Transportation (originally sponsored by Hawkins, Mullet, Brown, Dozier, Fortunato, Hobbs, Honeyford, Hunt, Rolfes, Schoesler, Short, Stanford, Warnick and Wilson, J.)

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

Referred to Committee on Transportation.

SSB 5528 by Senate Committee on Transportation (originally sponsored by Pedersen, Liias and Hawkins)

AN ACT Relating to the imposition of supplemental revenue sources within a regional transit authority area to finance high capacity transportation improvements, serving that area; amending RCW 81.104.160, 81.104.015, 81.104.100, 81.104.110, 81.104.140, 81.104.180, and 81.104.190; and adding new sections to chapter 81.104 RCW.

Referred to Committee on Transportation.

SSB 5575 by Senate Committee on Law & Justice (originally sponsored by Lovick, Robinson, Das, Liias, Nobles, Padden, Salomon, Stanford and Wellman)

AN ACT Relating to adding additional superior court judges in Snohomish county; amending RCW 2.08.064; and creating a new section.

Referred to Committee on Appropriations.

2SSB 5616 by Senate Committee on Transportation (originally sponsored by Rolfes)

AN ACT Relating to accounts; amending RCW 43.330.767, 46.68.067, 38.52.105, 41.05.143, 41.06.280, 43.08.190, 43.09.475, 46.68.290, 71.24.580, 82.08.170, and 90.50A.090; reenacting and amending RCW 43.70.715, 43.155.050, 47.56.876, 79.105.150, and 82.14.310; reenacting and amending 2018 c 298 s 7008 (uncodified); reenacting RCW 43.79.550, 43.79.555, 43.79.557, and 28A.300.820; adding a new section to chapter 43.79 RCW; creating a new section; repealing RCW 43.60A.153 and 43.79.467; and providing an effective date.

Referred to Committee on Appropriations.

SSB 5638 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Wagoner and Dhingra)

AN ACT Relating to expediting approval for applicants for an associate license as a social worker, mental health counselor, or marriage and family therapist; and amending RCW 18.225.145.

Referred to Committee on Health Care & Wellness.

2SSB 5692 by Senate Committee on Ways & Means (originally sponsored by Gildon, Honeyford, Randall, Rivers and Wagoner)

AN ACT Relating to programming at the department of corrections; adding a new section to chapter 72.09 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

SB 5726 by Senators Randall, Holy, Conway, Lovick, Nobles, Robinson, Rolfes and Wilson, C.

AN ACT Relating to interruptive military service credit for members of the state retirement systems; and amending RCW 41.04.005.

Referred to Committee on Appropriations.

2SSB 5736 by Senate Committee on Ways & Means (originally sponsored by Frockt, Dhingra, Conway, Hasegawa, Honeyford, Keiser, Kuderer, Lovelett, Lovick, Nobles, Randall, Salomon and Stanford)

AN ACT Relating to partial hospitalizations and intensive outpatient treatment services for minors; reenacting and amending RCW 71.24.385; and creating a new section.

Referred to Committee on Appropriations.

2SSB 5746 by Senate Committee on Ways & Means (originally sponsored by Warnick, Nobles and Stanford)

AN ACT Relating to drought preparedness, response, and funding; amending RCW 43.83B.415, 43.83B.430, and 90.86.030; and adding new sections to chapter 43.83B RCW.

Referred to Committee on Appropriations.

SB 5781 by Senators Padden and Wilson, L.

AN ACT Relating to organized retail theft; and amending RCW 9A.56.350.

Referred to Committee on Public Safety.

SB 5782 by Senators Conway, Hunt and Randall

AN ACT Relating to the defense community compatibility account; and amending RCW 43.330.515 and 43.330.520.

Referred to Committee on Capital Budget.

SSB 5785 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Lovelett, Wilson, C., Das, Dhingra, Hasegawa, Nobles, Saldaña and Stanford)

AN ACT Relating to transitional food assistance; amending RCW 74.08A.010; and providing an effective date.

Referred to Committee on Appropriations.

2SSB 5789 by Senate Committee on Ways & Means (originally sponsored by Randall, Nobles, Conway, Das, Frockt, Kuderer, Liias, Nguyen and Wilson, C.)

AN ACT Relating to creating the Washington career and college pathways innovation challenge program; amending RCW 28B.120.040; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and repealing RCW 28B.120.005, 28B.120.010, 28B.120.020, 28B.120.025, 28B.120.030, and 28B.120.900.

Referred to Committee on Appropriations.

SB 5801 by Senators Keiser, Conway, Hasegawa and Nobles

AN ACT Relating to attorney and witness fees in industrial insurance court appeals; and amending RCW 51.52.130.

Referred to Committee on Labor & Workplace Standards.

SSB 5814 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Cleveland, Dhingra, Keiser, Lovelett, Lovick and Wilson, C.)

AN ACT Relating to providing funding for medical evaluations of suspected victims of child abuse; adding new sections to chapter 7.68 RCW; and creating new sections.

Referred to Committee on Appropriations.

E2SSB 5842 by Senate Committee on Ways & Means (originally sponsored by Carlyle, Liias, Das, Nguyen and Nobles)

AN ACT Relating to state laws that address climate change; amending RCW 70A.65.070, 70A.65.100, 70A.65.200, 70A.65.020, 70A.65.150, 70A.65.160, 70A.65.230, 70A.15.2200, 70A.65.010, and 70A.65.140; and adding new sections to chapter 70A.65 RCW.

Referred to Committee on Environment & Energy.

ESSB 5853 by Senate Committee on Transportation (originally sponsored by Billig, Liias, Kuderer, Lovick, Saldaña and Wilson, C.)

AN ACT Relating to establishing a limited project regarding leasing certain department of transportation property in order to remedy past impacts to historically marginalized populations; amending RCW 47.12.120 and 47.12.125; and adding a new section to chapter 47.12 RCW.

Referred to Committee on Transportation.

SB 5875 by Senators Nguyen, Lovelett, Lovick, Nobles, Stanford and Wilson, C.

AN ACT Relating to adding employees employed by the department of licensing who are assigned to review, process, approve, and issue driver licenses to the definition of frontline employees under the health emergency labor standards act; and amending RCW 51.32.181.

Referred to Committee on Labor & Workplace Standards.

SSB 5907 by Senate Committee on Transportation (originally sponsored by Wilson, J., Lovick, Fortunato, Lovelett, Randall, Saldaña, Stanford and Wilson, L.)

AN ACT Relating to roadside safety measures; amending RCW 46.37.184, 46.37.196, and 46.61.212; adding a new section to chapter 46.08 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 47.04 RCW; creating new sections; and providing effective dates.

Referred to Committee on Transportation.

SSB 5912 by Senate Committee on Health & Long Term Care (originally sponsored by Sefzik, Braun, Fortunato, Honeyford, Muzzall, Nguyen, Randall, Robinson and Short)

AN ACT Relating to improving health outcomes for children on medicaid by ensuring early and periodic screening, diagnosis, and treatment; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5946 by Senate Committee on Business, Financial Services & Trade (originally sponsored by Mullet and Nguyen)

AN ACT Relating to protecting consumers from the discontinuance of the London interbank offered rate; adding a new chapter to Title 19 RCW; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

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

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

SECOND READING

HOUSE BILL NO. 1866, by Representatives Chopp, Riccelli, Macri, Bateman, Davis, Fey, Goodman, Leavitt, Ortiz-Self, Peterson, Ramel, Ryu, Santos, Orwall, Wylie, Cody, Simmons, Slatter, Valdez, Wicks, Pollet, Taylor, Stonier, Ormsby, Hackney, Harris-Talley and Frame

Assisting persons receiving community support services through medical assistance programs to receive supportive housing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1866 was substituted for House Bill No. 1866 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1866 was read the second time.

Representative Macri moved the adoption of striking amendment (1034):

Strike everything after the enacting clause and insert the following:

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

(a) The epidemic of homelessness apparent in communities throughout Washington is creating immense suffering. It is threatening the health of homeless families and individuals, sapping their human potential, eroding public confidence, and undermining the shared values that have driven our state's prosperity, including public safety and access to public streets, parks, and facilities;

(b) In seeking to identify the causes of this epidemic, a large proportion of those unsheltered also suffer from serious behavioral health or physical health conditions that will inevitably grow worse without timely and effective health care;

(c) Housing is an indispensable element of effective health care. Stable housing is a prerequisite to addressing behavioral health needs and lack of housing is a precursor to poor health outcomes;

(d) A home, health care, and wellness are fundamental for Washington residents;

(e) Reducing homelessness is a priority of the people of Washington state and that reducing homelessness through policy alignment and reform lessens fiscal impact to the state and improves the economic vitality of our businesses;

(f) The impact of this epidemic is falling most heavily on those communities that already suffer the most serious health disparities: Black, indigenous,

people of color, and historically marginalized and underserved communities. It is a moral imperative to shelter chronically homeless populations; and

(g) Washington state has many of the tools needed to address this challenge, including a network of safety net health and behavioral health care providers in both urban and rural areas, an effective system of health care coverage through apple health, and excellent public and nonprofit affordable housing providers. Yet far too many homeless families and individuals are going without the housing and health care resources they need because these tools have yet to be combined in an effective way across the state.

(2) It is the intent of the legislature to treat chronic homelessness as a medical condition and that the apple health and homes act address the needs of chronically homeless populations by pairing a health care problem with a health care solution.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

The definitions in this section apply throughout sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Community support services" means active search and promotion of access to, and choice of, appropriate, safe, and affordable housing and ongoing supports to assure ongoing successful tenancy. The term includes, but is not limited to, services to medical assistance clients who are homeless or at risk of becoming homeless through outreach, engagement, and coordination of services with shelter and housing. The term includes benefits offered through the foundational community supports program established pursuant to the authority's federal waiver, entitled "medicaid transformation project," as amended and reauthorized.

(2) "Community support services provider" means a local entity that contracts with a coordinating entity to provide community support services. A community support services provider may also separately perform the functions of a housing provider.

(3) "Coordinating entity" means one or more organizations, including medicaid

managed care organizations, under contract with the authority to coordinate community support services as required under sections 3 and 4 of this act. There may only be one coordinating entity per regional service area.

(4) "Department" means the department of commerce.

(5) "Homeless person" has the same meaning as in RCW 43.185C.010.

(6) "Housing provider" means a public or private organization that supplies permanent supportive housing units consistent with RCW 36.70A.030 to meet the housing needs of homeless persons. A housing provider may supply permanent supportive housing in a site-based or scattered site arrangement using a variety of public, private, philanthropic, or tenant-based sources of funds to cover operating costs or rent. A housing provider may also perform the functions of a community support services provider.

(7) "Office" means the office of apple health and homes created in section 5 of this act.

(8) "Program" means the apple health and homes program established in section 3 of this act.

(9) "Permanent supportive housing" has the same meaning as in RCW 36.70A.030.

NEW SECTION. Sec. 3. A new section is added to chapter 74.09 RCW to read as follows:

(1) Effective November 1, 2022, the apple health and homes program is established to provide a permanent supportive housing benefit and a community support services benefit through a network of community support services providers for persons assessed with specific health needs and risk factors.

(a) The program shall operate through the collaboration of the department, the authority, the department of social and health services, local governments, the coordinating entity or entities, community support services providers, local housing providers, local health care entities, and community-based organizations in contact with potentially eligible individuals, to assure seamless integration of community support services, stable housing, and health care services.

(b) The entities operating the program shall coordinate resources, technical assistance, and capacity building efforts to help match eligible individuals with community support services, health care, including behavioral health care and long-term care services, and stable housing.

(2) To be eligible for community support services and permanent supportive housing under subsection (3) of this section, a person must:

(a) Be 18 years of age or older;

(b)(i) Be enrolled in a medical assistance program under this chapter and eligible for community support services;

(ii)(A) Have a countable income that is at or below 133 percent of the federal poverty level, adjusted for family size, and determined annually by the federal department of health and human services; and

(B) Not be eligible for categorically needy medical assistance, as defined in the social security Title XIX state plan; or

(iii) Be assessed as likely eligible for, but not yet enrolled in, a medical assistance program under this chapter due to the severity of behavioral health symptom acuity level which creates barriers to accessing and receiving conventional services;

(c) Have been assessed:

(i) By a licensed behavioral health agency to have a behavioral health need which is defined as meeting one or both of the following criteria:

(A) Having mental health needs, including a need for improvement, stabilization, or prevention of deterioration of functioning resulting from the presence of a mental illness; or

(B) Having substance use disorder needs indicating the need for outpatient substance use disorder treatment which may be determined by an assessment using the American society of addiction medicine criteria or a similar assessment tool approved by the authority;

(ii) By the department of social and health services as needing either assistance with at least three activities of daily living or hands-on assistance with at least one activity of daily living and have the preliminary determination confirmed by the

department of social and health services through an in-person assessment conducted by the department of social and health services; or

(iii) To be a homeless person with a long-continuing or indefinite physical condition requiring improvement, stabilization, or prevention of deterioration of functioning, including the ability to live independently without support; and

(d) Have at least one of the following risk factors:

(i)(A) Be a homeless person at the time of the eligibility determination for the program and have been homeless for 12 months prior to the eligibility determination; or

(B) Have been a homeless person on at least four separate occasions in the three years prior to the eligibility determination for the program, as long as the combined occasions equal at least 12 months;

(ii) Have a history of frequent or lengthy institutional contact, including contact at institutional care facilities such as jails, substance use disorder or mental health treatment facilities, hospitals, or skilled nursing facilities;

(iii) Have a history of frequent stays at adult residential care facilities or residential treatment facilities;

(iv) Have frequent turnover of in-home caregivers; or

(v) Have at least one chronic condition and have been determined by the authority to be at risk for a second chronic condition as determined by the use of a predictive risk scoring tool that considers the person's age, gender, diagnosis, and medications.

(3) Once a coordinating entity verifies that a person has met the eligibility criteria established in subsection (2) of this section, it must connect the eligible person with a community support services provider. The community support services provider must:

(a) Deliver pretenancy support services to determine the person's specific housing needs and assist the person in identifying permanent supportive housing options that are appropriate and safe for the person;

(b) Fully incorporate the eligible person's available community support services into the case management services provided by the community support services provider; and

(c) Deliver ongoing tenancy-sustaining services to support the person in maintaining successful tenancy.

(4) Housing options offered to eligible participants may vary, subject to the availability of housing and funding.

(5) The community support services benefit must be sustained or renewed in accordance with the eligibility standards in subsection (2) of this section, except that the standards related to homelessness shall be replaced with an assessment of the person's likelihood to become homeless in the event that the community support services benefit is terminated. The coordinating entity must adopt procedures to conduct community support services benefit renewals, according to authority standards.

NEW SECTION. Sec. 4. A new section is added to chapter 74.09 RCW to read as follows:

(1) To establish and administer section 3 of this act, the authority shall:

(a)(i) Establish or amend a contract with a coordinating entity to:

(A) Assure the availability of access to eligibility determinations services for community support services benefits and permanent supportive housing benefits;

(B) Verify that persons meet the eligibility standards of section 3(2) of this act;

(C) Coordinate enrollment in medical assistance programs for persons who meet the eligibility standards of section 3(2) of this act, except for actual enrollment in a medical assistance program under this chapter; and

(D) Coordinate with a network of community support services providers to arrange with local housing providers for the placement of an eligible person in permanent supportive housing appropriate to the person's needs and assure that community support services are provided to the person by a community support services provider.

(ii) The primary role of the coordinating entity or entities is administrative and operational, while the authority shall establish the general policy parameters for the work of the coordinating entity or entities.

(iii) In selecting the coordinating entity or entities, the authority shall: Choose one or more organizations that are capable of coordinating access to both community support services and permanent supportive housing services to eligible persons under section 3 of this act; and select no more than one coordinating entity per region which is served by medicaid managed care organizations. The authority shall convene key stakeholders to discuss implementation of the program and potential approaches to more closely align medicaid managed care organizations to the coordination of community support services;

(b) Report to the office for the ongoing monitoring of the program; and

(c) Adopt any rules necessary to implement the program.

(2) The authority shall establish a work group to provide feedback to the agency on its foundational community supports program as it aligns with the work of the housing benefit. The work group may include representatives of state agencies, counties, cities, and contracted agencies providing foundational community supports services. Topics may include, but are not limited to, best practices in eligibility screening processes and case rate billing for foundational community supports housing, regional cost differentials, costs consistent with specialized needs, improved data access and data sharing with foundational community supports providers, and requirements related to the use of a common practice tool among community support services providers to integrate social determinants of health into service delivery. The authority shall convene the work group at least once each quarter and may expand upon, but not duplicate, existing work groups or advisory councils.

(3) To support the goals of the program and the goals of other statewide initiatives to identify and address social needs, including efforts within the 1115 waiver renewal to advance health equity and health-related supports, the authority shall work with the office and the department of social and health

services to identify and implement statewide universal measures to identify and consider social determinants of health domains, including housing, food security, transportation, financial strain, and interpersonal safety. The authority shall select an accredited or nationally vetted tool, including criteria for prioritization, for the community support services provider to use when making determinations about housing options and other support services to offer individuals eligible for the program. This screening and prioritization process may not exclude clients transitioning from inpatient or other behavioral health residential treatment settings.

(4)(a) The authority and the department may seek and accept funds from private and federal sources to support the purposes of the program.

(b) The authority shall seek approval from the federal department of health and human services to:

(i) Receive federal matching funds for administrative costs and services provided under the program to persons enrolled in medicaid;

(ii) Align the eligibility and benefit standards of the foundational community supports program established pursuant to the waiver, entitled "medicaid transformation project" and initially approved November 2017, between the authority and the federal centers for medicare and medicaid services, as amended and reauthorized, with the standards of the program, including extending the duration of the benefits under the foundational community supports program to not less than 12 months; and

(iii) Implement a medical and psychiatric respite care benefit for certain persons enrolled in medicaid.

(5)(a) By December 1, 2022, the authority and the office shall report to the governor and the legislature on preparedness for the first year of program implementation, including the estimated enrollment, estimated program costs, estimated supportive housing unit availability, funding availability for the program from all sources, efforts to improve billing and administrative burdens for foundational community supports providers, efforts to streamline continuity of care and system connection for persons who are

potentially eligible for foundational community supports, and any statutory or budgetary needs to successfully implement the first year of the program.

(b) By December 1, 2023, the authority and the office shall report to the governor and the legislature on the progress of the first year of program implementation and preparedness for the second year of program implementation.

(c) By December 1, 2024, the authority and the office shall report to the governor and the legislature on the progress of the first two years of program implementation and preparedness for ongoing housing acquisition and development.

(d) By December 1, 2026, the authority and the office shall report to the governor and the legislature on the full implementation of the program, including the number of persons served by the program, available permanent supportive housing units, estimated unmet demand for the program, ongoing funding requirements for the program, and funding availability for the program from all sources. Beginning December 1, 2027, the authority and the office shall provide annual updates to the governor and the legislature on the status of the program.

NEW SECTION. Sec. 5. A new section is added to chapter 43.330 RCW to read as follows:

(1) There is created the office of apple health and homes within the department.

(2) Activities of the office of apple health and homes must be carried out by a director of the office of apple health and homes, supervised by the director of the department.

(3) The office of apple health and homes is responsible for leading efforts under this section and sections 3 and 4 of this act to coordinate a spectrum of practice efforts related to providing permanent supportive housing, including leading efforts related to every aspect of creating housing, operating housing, obtaining services, and delivering those services to connect people with housing and maintain them in that housing.

(4) The office of apple health and homes shall:

(a) Subject to available funding, allocate funding for permanent supportive housing units sufficient in

number to fulfill permanent supportive housing needs of persons determined to be eligible for the program by the coordinating entity or entities under section 3 of this act;

(b) Collaborate with department divisions responsible for making awards or loans to appropriate housing providers to acquire, build, and operate the housing units, including but not limited to nonprofit community organizations, local counties and cities, public housing authorities, and public development authorities;

(c) Collaborate with the authority on administrative functions, oversight, and reporting requirements, as necessary to implement the apple health and homes program established under section 3 of this act;

(d) Establish metrics and collect racially disaggregated data from the authority and the department related to the program's effect on providing persons with permanent supportive housing, moving people into independent housing, long-term housing stability, improving health outcomes for people in the program, estimated reduced health care spending to the state on persons enrolled in the program, and outcomes related to social determinants of health;

(e) Create work plans and establish milestones to achieve the goal of providing permanent supportive housing for all eligible individuals; and

(f) Oversee the allocation of community support services provider and housing provider capacity-building grants to further the state's interests of enhancing the ability of community support services providers and housing providers to deliver community support services and permanent supportive housing and assure that an initial infrastructure is established to create strong networks of community support services providers and housing providers.

(5) The office of apple health and homes must be operational no later than January 1, 2023. The department shall assure the coordination of the work of the office of apple health and homes with other offices within the department with similar or adjacent authorities and functions.

(6) For the purposes of this section:

(a) "Community support services provider" has the same meaning as in section 2 of this act.

(b) "Coordinating entity" has the same meaning as in section 2 of this act.

(c) "Housing provider" has the same meaning as in section 2 of this act.

(d) "Permanent supportive housing" has the same meaning as in section 2 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 43.330 RCW to read as follows:

The apple health and homes account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for permanent supportive housing programs administered by the office created in section 5 of this act, including acquisition and development of permanent supportive housing units, operations, maintenance, and services costs of permanent supportive housing units, project-based vouchers, provider grants, and other purposes authorized by appropriations made in the operating budget. The department must prioritize allocating at least 10 percent of the expenditures from the account to organizations that serve and are substantially governed by individuals disproportionately impacted by homelessness and behavioral health conditions, including black, indigenous, and other people of color, lesbian, gay, bisexual, queer, transgender, and other gender diverse individuals. When selecting projects supported by funds from the account, the office shall balance the state's interest in quickly approving and financing projects, the degree to which the project will leverage other funds, the extent to which the project promotes racial equity, and the extent to which the project will promote priorities of this act in geographically diverse parts of the state.

Sec. 7. RCW 36.22.176 and 2021 c 214 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of \$100 must be charged by the county auditor for each document recorded, which is in addition to any other charge or surcharge allowed by law. The auditor must remit the funds to the state treasurer to be deposited and used as follows:

(a) Twenty percent of funds must be deposited in the affordable housing for all account for operations, maintenance, and service costs for permanent supportive housing as defined in RCW 36.70A.030;

(b) From July 1, 2021, through June 30, 2023, four percent of the funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for the purposes of RCW 43.31.605(1). Thereafter, two percent of funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for purposes of RCW 43.31.605(1); ~~((and))~~

(c) (i) The remainder of funds must be distributed to the home security fund account, with no less than 60 percent of funds to be used for project-based vouchers for nonprofit housing providers or public housing authorities, housing services, rapid rehousing, emergency housing, ~~((or))~~ acquisition, ~~or operations, maintenance, and service costs for permanent supportive housing as defined in RCW 36.70A.030 for persons with disabilities. Permanent supportive housing programs administered by the office of apple health and homes created in section 5 of this act are also eligible to use these funds.~~ Priority for use must be given to ~~((project based vouchers and related services, housing acquisition, or emergency housing, for))~~ purposes intended to house persons who are chronically homeless or maintain housing for individuals with disabilities and prior experiences of homelessness, including families with children. ~~((At least 50 percent of persons receiving a project-based voucher, rapid rehousing, emergency housing, or benefiting from housing acquisition must be living unsheltered at the time of initial engagement.))~~ In addition, funds may be used for eviction prevention rental assistance pursuant to RCW 43.185C.185, foreclosure prevention services, dispute resolution center eviction prevention services, rental assistance for people experiencing homelessness, and tenant education and legal assistance.

(ii) The department shall provide counties with the right of first refusal to receive grant funds distributed under this subsection (c). If a county refuses the funds or does not respond within a time frame established by the department, the department shall identify an alternative grantee. The alternative

grantee shall distribute the funds in a manner that is in compliance with this chapter.

(2) The surcharge imposed in this section does not apply to: (a) Assignments or substitutions of previously recorded deeds of trust; (b) documents recording a birth, marriage, divorce, or death; (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law; (d) marriage licenses issued by the county auditor; or (e) documents recording a federal, state, county, city, or water-sewer district, or wage lien or satisfaction of lien.

NEW SECTION. Sec. 8. Subject to amounts appropriated from the apple health and homes account created in section 6 of this act the department of commerce shall establish a rapid permanent supportive housing acquisition and development program to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 and to public development authorities established under RCW 35.21.730 through 35.21.755, for the acquisition and development of permanent supportive housing units, subject to the following conditions and limitations:

(1) Awards or loans provided under this section may be used to acquire real property for quick conversion into permanent supportive housing units or for predevelopment or development activities, renovation, and building update costs. Awards or loans provided under this section may not be used for operating or maintenance costs associated with providing permanent supportive housing, supportive services, or debt service.

(2) Units acquired or developed under this section must serve individuals eligible for a community support services benefit through the apple health and homes program, as established in section 3 of this act.

(3) The department of commerce shall establish criteria for the issuance of the awards or loans, which must follow the guidelines and compliance requirements of the housing trust fund program's established criteria under RCW 43.185.070(5), except as provided in subsection (5) of this section, and the federal coronavirus state fiscal recovery fund. The criteria must include:

(a) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(b) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(c) A detailed estimate of the costs associated with opening the units; and

(d) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants through the end of the award or loan contract.

(4) The department of commerce shall provide a progress report on its website by June 1, 2023. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding including state funding, total project cost, number of units, and anticipated completion date.

(5) The funding in this section is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050. The department of commerce shall dispense funds to qualifying applicants within 45 days of receipt of documentation from the applicant for qualifying uses and execution of any necessary contracts with the department in order to effect the purpose of rapid deployment of funds under this section.

(6) If the department of commerce receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For the purposes of this subsection (6), "greatest public benefit" must include, but is not limited to:

(a) The greatest number of qualifying permanent supportive housing units;

(b) The scarcity of the permanent supportive housing units applied for compared to the number of available permanent supportive housing units in the same geographic location; and

(c) The housing trust fund program's established funding priorities under RCW 43.185.070(5).

NEW SECTION. **Sec. 9.** This act may be known and cited as the apple health and homes act.

NEW SECTION. **Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Schmick moved the adoption of amendment (1061) to striking amendment (1034):

On page 7, line 1 of the striking amendment, after "delivery." insert "In addition, the work group must select the common practice tool to be adopted and implemented statewide by the authority under subsection (3) of this section."

On page 7, line 12 of the striking amendment, after "shall" strike "select" and insert "adopt and implement statewide"

On page 7, line 13 of the striking amendment, after "prioritization," insert "as selected by the work group in subsection (2) of this section,"

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

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

Amendment (1061) to striking amendment (1034) was not adopted.

Representative Schmick moved the adoption of amendment (1060) to striking amendment (1034):

On page 7, line 12 of the striking amendment, after "tool" insert "from among the common practice tools used by community support services providers in Washington"

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

Amendment (1060) to striking amendment (1034) was adopted.

Representative Barkis moved the adoption of amendment (1047) to striking amendment (1034):

On page 10, line 28 of the striking amendment, after "act" insert "on a

statewide basis, including in rural areas and"

Representatives Barkis and Macri spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1047) to striking amendment (1034) was adopted.

Representatives Macri and Schmick spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (1034), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Chopp, Schmick, Barkis and Eslick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1866.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1866, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; 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, Donaghy, 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, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1866, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 1866.

Representative Chandler, 15th District

SECOND READING

HOUSE BILL NO. 1868, by Representatives Riccelli, Volz, Berry, Fitzgibbon, Shewmake, Bateman, Berg, Bronoske, Callan, Cody, Davis, Duerr, Goodman, Gregerson, Johnson, J., Kirby, Macri, Peterson, Ramel, Ramos, Ryu, Santos, Sells, Senn, Sullivan, Simmons, Chopp, Bergquist, Graham, Valdez, Wicks, Dolan, Pollet, Ortiz-Self, Paul, Stonier, Donaghy, Ormsby, Slatter, Hackney, Taylor, Harris-Talley, Kloba and Frame

Improving worker safety and patient care in health care facilities by addressing staffing needs, overtime, meal and rest breaks, and enforcement.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1868 was substituted for House Bill No. 1868 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1868 was read the second time.

Representative Riccelli moved the adoption of striking amendment (1008):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the COVID-19 public health emergency has pushed our health care system to its breaking point. Our nurses and health care workers who directly care for and support patients have continued to provide high-quality care despite the incredible challenges. But it has not been without significant cost. Nurses and health care workers are facing unprecedented levels of stress and job turnover. These concerns existed before the pandemic and have only worsened during this public health emergency. The legislature finds that improving nurse and health care worker safety and working conditions leads to better patient care. Specifically, establishing minimum nurse-to-patient staffing standards, expanding break and overtime laws for certain health care workers and to more health care facilities, and requiring hospitals to create staffing plans, all of which are subject to enforcement and penalties for violations, will better serve patients and our community.

Sec. 2. RCW 70.41.410 and 2008 c 47 s 2 are each amended to read as follows:

The definitions in this section apply throughout this section (~~and~~), RCW 70.41.420 and 70.41.425 (as recodified by this act), and section 7 of this act unless the context clearly requires otherwise.

(1) "Department" means the department of labor and industries.

(2) "Direct care nursing assistant-certified" means an individual certified under chapter 18.88A RCW who provides direct care to patients.

(3) "Direct care registered nurse" means an individual licensed as a nurse under chapter 18.79 RCW who provides direct care to patients.

(4) "Hospital" has the same meaning as defined in RCW 70.41.020, and also includes state hospitals as defined in RCW 72.23.010.

~~((2))~~ (5) "Hospital staffing committee" means the committee established by a hospital under RCW 70.41.420 (as recodified by this act).

(6) "Intensity" means the level of patient need for nursing care, as determined by the nursing assessment.

~~((3))~~ (7) "Nursing and ancillary health care personnel" means ((registered nurses, licensed practical nurses, and unlicensed assistive nursing personnel providing direct patient care)) a person who is providing direct care or supportive services to patients but is not a physician licensed under chapter 18.71 or 18.57 RCW, a physician's assistant licensed under chapter 18.71A RCW, or an advanced registered nurse practitioner licensed under RCW 18.79.250 unless working as a direct care registered nurse.

~~((4))~~ "Nurse staffing committee" means the committee established by a hospital under RCW 70.41.420.

~~(5))~~ (8) "Patient care unit" means any unit or area of the hospital that provides patient care by registered nurses.

~~((6))~~ (9) "Reasonable efforts" means that the employer exhausts and documents all of the following but is unable to obtain staffing coverage:

(a) Seeks individuals to volunteer to work extra time from all available qualified staff who are working;

(b) Contacts qualified employees who have made themselves available to work extra time;

(c) Seeks the use of per diem staff; and

(d) Seeks personnel from a contracted temporary agency when such staffing is permitted by law or an applicable collective bargaining agreement, and when the employer regularly uses a contracted temporary agency.

(10) "Skill mix" means the experience of, and number and relative percentages of ((registered nurses, licensed practical nurses, and unlicensed assistive personnel among the total number of nursing personnel)), nursing and ancillary health personnel.

(11) "Unforeseeable emergent circumstance" means:

(a) Any unforeseen national, state, or municipal emergency; or

(b) When a hospital disaster plan is activated.

NEW SECTION. Sec. 3. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Department" means the department of labor and industries.

(b) "Direct care nursing assistant-certified" means an individual certified under chapter 18.88A RCW who provides direct care to patients.

(c) "Direct care registered nurse" means an individual licensed as a nurse under chapter 18.79 RCW who provides direct care to patients.

(d) "Hospital" has the same meaning as defined in RCW 70.41.020.

(e) "Hospital staffing committee" means the committee established by a hospital under RCW 70.41.420 (as recodified by this act).

(f) "Patient care unit" means any unit or area of the hospital that provides patient care by registered nurses.

(2)(a) A hospital shall comply with minimum staffing standards in accordance with this section.

(b) The department shall enforce compliance with this section under sections 12 through 14 of this act.

(3) Direct care registered nurses shall not be assigned more patients than the following for any shift:

(a) Emergency department: One direct care registered nurse to three nontrauma or noncritical care patients and one direct care registered nurse to one trauma or critical care patient;

(b) Intensive care unit, such as critical care unit, special care unit, coronary care unit, pediatric intensive care, neonatal intensive care, neurological critical care unit, or a burn unit: One direct care registered nurse to two patients or one direct care registered nurse to one patient depending on the stability of the patient as assessed by the direct care registered nurse on the unit;

(c) Labor and delivery: One direct care registered nurse to two patients and one direct care registered nurse to one patient for active labor and in all stages of labor for any patients with complications;

(d) Postpartum, antepartum, and well-baby nursery: One direct care registered nurse to six patients in postpartum, antepartum, and well-baby nursery. In this context, the mother and the baby are each counted as separate patients. This would mean, for example, one direct care registered nurse to three mother-baby couplets;

(e) Operating room: One direct care registered nurse to one patient;

(f) Oncology: One direct care registered nurse to four patients;

(g) Postanesthesia care unit: One direct care registered nurse to two patients;

(h) Progressive care unit, intensive specialty care unit, or stepdown unit: One direct care registered nurse to three patients;

(i) Medical-surgical unit: One direct care registered nurse to five patients;

(j) Telemetry unit: One direct care registered nurse to four patients;

(k) Psychiatric unit: One direct care registered nurse to six patients;

(l) Pediatrics: One direct care registered nurse to three patients.

(4) Direct care nursing assistants-certified shall not be assigned more

patients than the following for any shift:

(a) Intensive care unit, such as critical care unit, special care unit, coronary care unit, pediatric intensive care, neonatal intensive care, neurological critical care unit, or a burn unit: One direct care nursing assistant-certified to eight patients;

(b) Cardiac unit: One direct care nursing assistant-certified to four patients;

(c) Labor and delivery: One direct care nursing assistant-certified to eight patients and one direct care nursing assistant-certified to four patients for active labor and in all stages of labor for any patients with complications;

(d) Postanesthesia care unit: One direct care nursing assistant-certified to eight patients;

(e) Progressive care unit, intensive specialty care unit, or stepdown unit: One direct care nursing assistant-certified to eight patients;

(f) Medical-surgical unit: One direct care nursing assistant-certified to eight patients;

(g) Telemetry unit: One direct care nursing assistant-certified to eight patients;

(h) Psychiatric unit: One direct care nursing assistant-certified to eight patients;

(i) Pediatrics: One direct care nursing assistant-certified to 13 patients;

(j) Emergency department: One direct care nursing assistant-certified to eight patients;

(k) Telesitting unit: One direct care nursing assistant-certified to eight patients.

(5) (a) The personnel assignment limits established in this section are based on the type of care provided in these patient care units, regardless of the specific name or reference the hospital calls these units.

(b) The personnel assignment limits established in this section represent the maximum number of patients to which a direct care registered nurse or direct

care nursing assistant-certified may be assigned at all points during a shift.

(c) A hospital may not average the number of patients and the total number of direct care registered nurses and direct care nursing assistants-certified assigned to patients in a unit during any one shift or over any period of time, in order to meet the personnel assignment limits established in this section.

(6) Nothing in this section precludes a hospital from assigning fewer patients to a direct care registered nurse or direct care nursing assistant-certified than the limits established in this section.

(7) The personnel assignment limits established in this section do not decrease any nurse-to-patient staffing levels:

(a) In effect pursuant to a collective bargaining agreement; or

(b) Established under a hospital's staffing plan in effect as of January 1, 2022, except with majority vote of the staffing committee.

(8) A direct care registered nurse or direct care nursing assistant-certified may not be assigned to a nursing unit or clinical area unless that nurse has first received orientation in that clinical area sufficient to provide competent care to patients in that area and has demonstrated current competence in providing care in that area.

(9)(a) Except as provided in (b) of this subsection, a hospital shall develop and implement minimum staffing standards into its staffing plan required under RCW 70.41.420 (as recodified by this act), no later than two years after the effective date of this section.

(b) The following hospitals shall develop and implement minimum staffing standards into their staffing plan required under RCW 70.41.420 (as recodified by this act) no later than four years after the effective date of this section:

(i) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i-4;

(ii) Hospitals with fewer than 25 acute care beds in operation; and

(iii) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals as

of January 1, 2013, that: Have had less than 150 acute care licensed beds in fiscal year 2011; have a level III adult trauma service designation from the department of health as of January 1, 2014; and are owned and operated by the state or a political subdivision.

NEW SECTION. **Sec. 4.** (1)(a) The department may grant a variance from the minimum staffing standards in section 3 of this act for "good cause."

(b) "Good cause" means situations where a hospital can establish that compliance with the minimum staffing standards are infeasible, and that granting a variance does not have a significant harmful effect on the health, safety, and welfare of the involved employees and patients.

(2) A hospital, as defined in section 3 of this act, may seek a variance from the minimum staffing standards by submitting a written application to the department. The application must contain the following:

(a) A justification for the variance, which establishes good cause for not complying with minimum staffing standards;

(b) The alternative minimum staffing standards that will be imposed;

(c) The group of employees for whom the variance is sought;

(d) Evidence that infeasibility was discussed along with underlying data supporting the claim of infeasibility at least twice by the hospital staffing committee and a statement from the staffing committee where consensus exists or statements where there is dispute; and

(e) Evidence that the hospital provided to the involved employees and, if applicable, to their union representatives, the following:

(i) A copy of the written request for a variance;

(ii) Information about the right of the involved employees and, if applicable, their union representatives, to be heard by the department during the variance application review process;

(iii) Information about the process by which involved employees and, if applicable, their union representatives, may make a written request to the director for reconsideration, subject to

the provisions established in subsection (7) of this section; and

(iv) The department's address and phone number, or other contact information.

(3) The department must allow the hospital, any involved employees and, if applicable, their union representatives, the opportunity for oral or written presentation during the variance application review process whenever circumstances of the particular application warrant it.

(4) No later than 60 days after the date on which the department received the application for a variance, the department must issue a written decision either granting or denying the variance. The department may extend the 60-day time period by providing advance written notice to the hospital and, if applicable, the union representatives of any involved employees, setting forth a reasonable justification for an extension of the 60-day time period, and specifying the duration of the extension. The hospital must provide involved employees with notice about any such extension.

(5) Variances shall be granted if the department determines that there is good cause for allowing a hospital to not comply with the minimum staffing standards in section 3 of this act. The variance order shall state the following:

(a) The alternative minimum staffing standards approved in the variance;

(b) The basis for a finding of good cause;

(c) The group of employees impacted; and

(d) The period of time for which the variance will be valid, not to exceed five years from the date of issuance.

(6) Upon making a determination for issuance of a variance, the department must provide notification in writing to the hospital and, if applicable, the union representatives of any involved employees. If the variance is denied, the written notification must include a stated basis for the denial.

(7) A hospital, involved employee and, if applicable, their union representative, may file with the director a request for reconsideration within 15 days after receiving notice of

the variance determination. The request for reconsideration must set forth the grounds upon which the reconsideration is being made. If reasonable grounds exist, the director may grant such review and, to the extent deemed appropriate, afford all interested parties an opportunity to be heard. If the director grants such review, the written decision of the department will remain in place until the reconsideration process is complete.

(8) Unless subject to the reconsideration process, the director may revoke or terminate the variance order at any time after giving the hospital at least 30 days' notice before revoking or terminating the order.

(9) Where immediate action is necessary pending further review by the department, the department may issue a temporary variance. The temporary variance will remain valid until the department determines whether good cause exists for issuing a variance. A hospital need not meet the requirement in subsection (2)(d) of this section in order to be granted a temporary variance.

(10) If a hospital obtains a variance under this section, the hospital must provide the involved employees with information about the minimum staffing standards that apply within 15 days of receiving notification of such approval from the department. A hospital must make this information readily available to all employees.

(11) Variances under this section may be renewed.

(12) The director may adopt rules to establish additional variance eligibility criteria.

Sec. 5. RCW 70.41.420 and 2017 c 249 s 2 are each amended to read as follows:

(1) By September 1, ~~((2008))~~ 2023, each hospital shall establish a ~~((nurse))~~ hospital staffing committee, either by creating a new committee or assigning the functions of ~~((a))~~ an existing nurse staffing committee to ((an existing)) a hospital staffing committee.

(a) At least ~~((one-half))~~ 50 percent of the members of the ~~((nurse))~~ hospital staffing committee shall be ((registered nurses)) nursing and ancillary health care personnel, who are nonsupervisory and nonmanagerial, currently providing direct patient care ((and up to one-half of the members shall be determined by the

~~hospital administration~~). The selection of the ~~((registered nurses providing direct patient care))~~ nursing and ancillary health care personnel shall be according to the collective bargaining ~~((agreement))~~ representative or representatives if there is one ~~((in effect))~~ or more at the hospital. If there is no ~~((applicable))~~ collective bargaining ((agreement)) representative, the members of the ~~((nurse))~~ hospital staffing committee who are ~~((registered nurses))~~ nursing and ancillary health care personnel providing direct patient care shall be selected by their peers.

(b) Up to 50 percent of the members of the hospital staffing committee shall be determined by the hospital administration and shall include but not be limited to the chief financial officer, the chief nursing officers, and patient care unit directors or managers or their designees.

(2) Participation in the ~~((nurse))~~ hospital staffing committee by a hospital employee shall be on scheduled work time and compensated at the appropriate rate of pay. ~~((Nurse))~~ Hospital staffing committee members shall be relieved of all other work duties during meetings of the committee. Additional staffing relief must be provided if necessary to ensure committee members are able to attend hospital staffing committee meetings.

(3) Primary responsibilities of the ~~((nurse))~~ hospital staffing committee shall include:

(a) Development and oversight of an annual patient care unit and shift-based ((nurse)) staffing plan, in compliance with the standards established in section 3 of this act and based on the needs of patients, to be used as the primary component of the staffing budget. The hospital staffing committee shall use a uniform format or form, created by the department, in consultation with stakeholders from hospitals and labor organizations, for complying with the requirement to submit the annual staffing plan. The uniform format or form must provide space to include the factors considered under this section and allow patients and the public to clearly understand and compare staffing patterns and actual levels of staffing across facilities. Hospitals may include a description of additional resources available to support unit-level patient care and a description of the hospital,

including the size and type of facility. Factors to be considered in the development of the plan should include, but are not limited to:

(i) Census, including total numbers of patients on the unit on each shift and activity such as patient discharges, admissions, and transfers;

(ii) Level of intensity of all patients and nature of the care to be delivered on each shift;

(iii) Skill mix;

(iv) Level of experience and specialty certification or training of nursing personnel providing care;

(v) The need for specialized or intensive equipment;

(vi) The architecture and geography of the patient care unit, including but not limited to placement of patient rooms, treatment areas, nursing stations, medication preparation areas, and equipment;

~~((Staffing guidelines adopted or published by national nursing professional associations, specialty nursing organizations, and other health professional organizations;~~

~~((viii)))~~ Availability of other personnel supporting nursing services on the unit; and

~~((ix) Strategies to enable registered nurses to take meal and rest breaks as required by law or))~~ (viii) Ability to comply with the terms of an applicable collective bargaining agreement, if any, ((between the hospital and a representative of the nursing staff)) and relevant state and federal laws and rules, including those regarding meal and rest breaks and use of overtime and on-call shifts;

(b) Semiannual review of the staffing plan against the ability to meet staffing standards established under section 3 of this act, patient need, and known evidence-based staffing information, including the nursing sensitive quality indicators collected by the hospital;

(c) Review, assessment, and response to staffing variations or ((concerns)) complaints presented to the committee.

(4) In addition to the factors listed in subsection (3)(a) of this section, hospital finances and resources must be

taken into account in the development of the ~~((nurse))~~ staffing plan.

(5) The staffing plan must not diminish other standards contained in state or federal law and rules, or the terms of an applicable collective bargaining agreement ~~((, if any, between the hospital and a representative of the nursing staff))~~.

(6) (a) The committee ~~((will))~~ shall produce the hospital's annual ~~((nurse))~~ staffing plan. If this staffing plan is not adopted by consensus of the hospital ~~((, the))~~ staffing committee, the prior annual staffing plan remains in effect and the hospital is subject to daily fines of \$5,000 for hospitals licensed under chapter 70.41 RCW or daily fines of \$100 for: (i) Hospitals certified as critical access hospitals; (ii) hospitals with fewer than 25 acute care beds in operation; and (iii) hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, that: Have had less than 150 acute care licensed beds in fiscal year 2011; have a level III adult trauma service designation from the department of health as of January 1, 2014; and are owned and operated by the state or a political subdivision until adoption of a new annual staffing plan by consensus of the committee.

(b) The chief executive officer shall provide ~~((a written explanation of the reasons why the plan was not adopted to the committee))~~ feedback to the hospital staffing committee on a semiannual basis, prior to the committee's semiannual review and adoption of an annual staffing plan. The ~~((chief executive officer))~~ feedback must ~~((then either))~~: ~~((a))~~ (i) Identify those elements of the ~~((proposed plan being changed prior to adoption of the plan by the hospital or (b) prepare an alternate annual staffing plan that must be adopted by the hospital))~~ staffing plan the chief executive officer requests changes to; or (ii) provide a status report on implementation of the staffing plan including nursing sensitive quality indicators collected by the hospital, patient surveys, and recruitment and retention efforts.

(c) Beginning ~~((January 1, 2019))~~ July 1, 2024, each hospital shall submit its staffing plan to the department and thereafter on an annual basis and at any time in between that the plan is updated.

(7) Beginning ~~((January 1, 2019))~~ July 1, 2024, each hospital shall implement the staffing plan and assign nursing personnel to each patient care unit in accordance with the plan.

(a) A registered nurse, ancillary health care personnel, collective bargaining representative, patient, or other individual may report to the staffing committee any variations where the ~~((nurse))~~ personnel assignment in a patient care unit is not in accordance with the adopted staffing plan and may make a complaint to the committee based on the variations.

(b) Shift-to-shift adjustments in staffing levels required by the plan may be made by the appropriate hospital personnel overseeing patient care operations. If a registered nurse or nursing assistant-certified on a patient care unit objects to a shift-to-shift adjustment, the registered nurse or nursing assistant-certified may submit the complaint to the staffing committee.

(c) Staffing committees shall develop a process to examine and respond to data submitted under (a) and (b) of this subsection, including the ability to determine if a specific complaint is resolved or dismissing a complaint based on unsubstantiated data. All complaints submitted to the hospital staffing committee must be reviewed, regardless of what format the complainant uses to submit the complaint.

(8) Each hospital shall post, in a public area on each patient care unit, the ~~((nurse))~~ staffing plan and the ~~((nurse))~~ staffing schedule for that shift on that unit, as well as the relevant clinical staffing for that shift. The staffing plan and current staffing levels must also be made available to patients and visitors upon request.

(9) A hospital may not retaliate against or engage in any form of intimidation of:

(a) An employee for performing any duties or responsibilities in connection with the ~~((nurse))~~ staffing committee; or

(b) An employee, patient, or other individual who notifies the ~~((nurse))~~ staffing committee or the hospital administration of his or her concerns on nurse or ancillary health care personnel staffing.

(10) This section is not intended to create unreasonable burdens on critical access hospitals under 42 U.S.C. Sec. 1395i-4. Critical access hospitals may develop flexible approaches to accomplish the requirements of this section that may include but are not limited to having ~~((nurse))~~ hospital staffing committees work by video conference, telephone, or email.

(11) The hospital staffing committee shall file with the department a charter that must include, but is not limited to:

(a) Roles, responsibilities, and processes by which the hospital staffing committee functions, including processes to ensure adequate quorum and ability of committee members to attend;

(b) Schedule for monthly meetings with more frequent meetings as needed that ensures committee members have 30-days notice of meetings;

(c) Processes by which all staffing complaints will be reviewed, noting the date received as well as initial, contingent, and final disposition of complaints and corrective action plan where applicable;

(d) Processes by which complaints will be resolved within 90 days of receipt, or longer with majority approval of the committee, and processes to ensure the complainant receives a letter stating the outcome of the complaint;

(e) Processes for attendance by any employee, and a labor representative if requested by the employee, who is involved in a complaint;

(f) Processes for the hospital staffing committee to conduct quarterly reviews of staff turnover rates including new hire turnover rates during first year of employment and hospital plans regarding workforce development;

(g) Standards for hospital staffing committee approval of meeting documentation including meeting minutes, attendance, and actions taken; and

(h) Policies for retention of meeting documentation for a minimum of three years and consistent with each hospital's document retention policies.

Sec. 6. RCW 70.41.425 and 2017 c 249 s 3 are each amended to read as follows:

(1) (a) The department shall investigate a complaint submitted under this section for violation of RCW

70.41.420 (as recodified by this act) or section 3 of this act following receipt of a complaint with documented evidence of failure to:

(i) Form or establish a hospital staffing committee;

(ii) Conduct a semiannual review of a ~~((nurse))~~ staffing plan;

(iii) Submit a ~~((nurse))~~ staffing plan on an annual basis and any updates; or

(iv) ~~((A))~~ Follow the ~~((nursing))~~ personnel assignments in a patient care unit in violation of section 3 of this act, RCW 70.41.420(7)(a) (as recodified by this act), or shift-to-shift adjustments in staffing levels in violation of RCW 70.41.420(7)(b) (as recodified by this act).

~~((B) The department may only investigate a complaint under this subsection (1)(a)(iv) after making an assessment that the submitted evidence indicates a continuing pattern of unresolved violations of RCW 70.41.420(7)(a) or (b), that were submitted to the nurse staffing committee excluding complaints determined by the nurse staffing committee to be resolved or dismissed. The submitted evidence must include the aggregate data contained in the complaints submitted to the hospital's nurse staffing committee that indicate a continuing pattern of unresolved violations for a minimum sixty day continuous period leading up to receipt of the complaint by the department.~~

~~((C) The department may not investigate a complaint under this subsection (1)(a)(iv) in the event of unforeseeable emergency circumstances or if the hospital, after consultation with the nurse staffing committee, documents it has made reasonable efforts to obtain staffing to meet required assignments but has been unable to do so.))~~

(b) After an investigation conducted under (a) of this subsection, if the department determines that there has been a violation, the department shall require the hospital to submit a corrective plan of action within ~~((forty five))~~ 45 days of the presentation of findings from the department to the hospital.

(c) Hospitals will not be found in violation of section 3 of this act or RCW 70.41.420 (as recodified by this act) if

it has been determined, following an investigation, that:

(i) There were unforeseeable emergent circumstances; or

(ii) The hospital, after consultation with the hospital staffing committee, documents that the hospital has made reasonable efforts to obtain and retain staffing to meet required personnel assignments but has been unable to do so.

(d) No later than 30 days after a hospital deviates from its staffing plan as adopted by the staffing committee under RCW 70.41.420 (as recodified by this act), the hospital incident command shall report to the cochairs of the hospital staffing committee an assessment of the staffing needs arising from the unforeseeable emergent circumstance and the hospital's plan to address those identified staffing needs. Upon receipt of the report, the hospital staffing committee shall convene to develop a contingency staffing plan to address the needs arising from the unforeseeable emergent circumstance. The hospital's deviation from its staffing plan may not be in effect for more than 90 days without the approval of the hospital staffing committee.

(2) In the event that a hospital fails to submit or submits but fails to follow such a corrective plan of action in response to a violation or violations found by the department based on a complaint filed pursuant to subsection (1) of this section, the department may impose, for all violations asserted against a hospital at any time, a civil penalty of ~~((one hundred dollars))~~ \$5,000 per day for hospitals licensed under chapter 70.41 RCW, or \$100 per day for:

(a) Hospitals certified as critical access hospitals; (b) hospitals with fewer than 25 acute care beds in operation; and (c) hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, that: Have had less than 150 acute care licensed beds in fiscal year 2011; have a level III adult trauma service designation from the department of health as of January 1, 2014; and are owned and operated by the state or a political subdivision. Civil penalties apply until the hospital submits ~~((or begins to follow))~~ a corrective plan of action ~~((or takes other action agreed to))~~ that has been approved by the department and follows the corrective plan of action for 90

days. Once the approved corrective action plan has been followed by the hospital for 90 days, the department may reduce the accumulated fine. The fine shall continue to accumulate until the 90 days has passed. Revenue from these fines must be deposited into the supplemental pension fund established under RCW 51.44.033.

(3) The department shall maintain for public inspection records of any civil ~~((penalties,))~~ penalties and administrative actions ~~((, or license suspensions or revocations))~~ imposed on hospitals under this section. In addition, the department must report violations of this section on its website.

(4) ~~((For purposes of this section, "unforeseeable emergency circumstance" means:~~

~~(a) Any unforeseen national, state, or municipal emergency;~~

~~(b) When a hospital disaster plan is activated;~~

~~(c) Any unforeseen disaster or other catastrophic event that substantially affects or increases the need for health care services; or~~

~~(d) When a hospital is diverting patients to another hospital or hospitals for treatment or the hospital is receiving patients who are from another hospital or hospitals.~~

~~(5))~~ Nothing in this section shall be construed to preclude the ability to otherwise submit a complaint to the department for failure to follow RCW 70.41.420 (as recodified by this act).

~~((6) The department shall submit a report to the legislature on December 31, 2020. This report shall include the number of complaints submitted to the department under this section, the disposition of these complaints, the number of investigations conducted, the associated costs for complaint investigations, and recommendations for any needed statutory changes. The department shall also project, based on experience, the impact, if any, on hospital licensing fees over the next four years. Prior to the submission of the report, the secretary shall convene a stakeholder group consisting of the Washington state hospital association, the Washington state nurses association, service employees international union~~

~~healthcare 1199NW, and united food and commercial workers 21. The stakeholder group shall review the report prior to its submission to review findings and jointly develop any legislative recommendations to be included in the report.~~

~~(7) No fees shall be increased to implement chapter 249, Laws of 2017 prior to July 1, 2021.)~~

NEW SECTION. Sec. 7. (1) (a) The department shall review each hospital staffing plan submitted by a hospital to ensure it is received by the appropriate deadline and is completed on the department-issued staffing plan form.

(b) The hospital must complete all portions of the staffing plan form. The department may determine that a hospital has failed to timely submit its staffing plan if the staffing plan form is incomplete.

(c) Failure to submit the staffing plan by the appropriate deadline will result in a violation and civil penalty of \$25,000 issued by the department. Revenue from these fines must be deposited into the supplemental pension fund established under RCW 51.44.033.

(2) Failure to submit a staffing committee charter to the department by the appropriate deadline will result in a violation and a civil penalty of \$25,000 issued by the department. Revenue from these fines must be deposited into the supplemental pension fund established under RCW 51.44.033.

(3) The department must post on its website:

- (a) Hospital staffing plans;
- (b) Staffing committee charters; and
- (c) Violations of this section.

Sec. 8. RCW 49.12.480 and 2019 c 296 s 1 are each amended to read as follows:

(1) An employer shall provide employees with meal and rest periods as required by law, subject to the following:

(a) Rest periods must be scheduled at any point during each work period during which the employee is required to receive a rest period;

(b) Employers must provide employees with uninterrupted meal and rest breaks.

This subsection (1) (b) does not apply in the case of:

(i) An unforeseeable emergent circumstance, as defined in RCW 49.28.130 (~~or~~

~~(ii) A clinical circumstance, as determined by the employee, employer, or employer's designee, that may lead to a significant adverse effect on the patient's condition;~~

~~(A) Without the knowledge, specific skill, or ability of the employee on break; or~~

~~(B) Due to an unforeseen or unavoidable event relating to patient care delivery requiring immediate action that could not be planned for by an employer;~~

~~(c) For any rest break that is interrupted before ten complete minutes by an employer or employer's designee under the provisions of (b) (ii) of this subsection, the employee must be given an additional ten minute uninterrupted rest break at the earliest reasonable time during the work period during which the employee is required to receive a rest period. If the elements of this subsection are met, a rest break shall be considered taken for the purposes of the minimum wage act as defined by chapter 49.46 RCW) (as recodified by this act); or~~

(ii) A clinical circumstance, as determined by the employee that may lead to a significant adverse effect on the patient's condition, unless the employer or employer's designee determines that the patient may suffer life-threatening adverse effects.

(c) For any work period for which an employee is entitled to one or more meal period and more than one rest period, the employee and the employer may agree that a meal period may be combined with a rest period. This agreement may be revoked at any time by the employee. If the employee is required to remain on duty during the combined meal and rest period, the time shall be paid. If the employee is released from duty for an uninterrupted combined meal and rest period, the time corresponding to the meal period shall be unpaid, but the time corresponding to the rest period shall be paid.

(2) The employer shall provide a mechanism to record when an employee

misses a meal or rest period and maintain these records.

(3) For purposes of this section, the following terms have the following meanings:

(a) "Employee" means a person who:

(i) Is employed by ~~((a health care facility))~~ an employer;

(ii) Is involved in direct patient care activities or clinical services; and

(iii) Receives an hourly wage or is covered by a collective bargaining agreement ~~((, and~~

~~(iv) Is a licensed practical nurse or registered nurse licensed under chapter 18.79 RCW, a surgical technologist registered under chapter 18.215 RCW, a diagnostic radiologic technologist or cardiovascular invasive specialist certified under chapter 18.84 RCW, a respiratory care practitioner licensed under chapter 18.89 RCW, or a nursing assistant certified as defined in RCW 18.88A.020).~~

(b) "Employer" means hospitals licensed under chapter 70.41 RCW ~~((, except that the following hospitals are excluded until July 1, 2021:~~

~~(i) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i-4;~~

~~(ii) Hospitals with fewer than twenty-five acute care beds in operation; and~~

~~(iii) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, that: Have had less than one hundred fifty acute care licensed beds in fiscal year 2011; have a level III adult trauma service designation from the department of health as of January 1, 2014; and are owned and operated by the state or a political subdivision).~~

Sec. 9. RCW 49.28.130 and 2019 c 296 s 2 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 49.28.140 and 49.28.150 (as recodified by this act) unless the context clearly requires otherwise.

(1) (a) "Employee" means a person who:

(i) Is employed by a health care facility;

(ii) Is involved in direct patient care activities or clinical services; and

(iii) Receives an hourly wage or is covered by a collective bargaining agreement ~~((, and~~

~~(iv) Is either:~~

~~(A) A licensed practical nurse or registered nurse licensed under chapter 18.79 RCW; or~~

~~(B) Beginning July 1, 2020, a surgical technologist registered under chapter 18.215 RCW, a diagnostic radiologic technologist or cardiovascular invasive specialist certified under chapter 18.84 RCW, a respiratory care practitioner licensed under chapter 18.89 RCW, or a nursing assistant certified as defined in RCW 18.88A.020).~~

(b) "Employee" does not mean a person who is both:

(i) ~~((Is employed))~~ Employed by a health care facility as defined in subsection (3) (a) (v) of this section; and

(ii) ~~((Is a))~~ A surgical technologist registered under chapter 18.215 RCW, a diagnostic radiologic technologist or cardiovascular invasive specialist certified under chapter 18.84 RCW, a respiratory care practitioner licensed under chapter 18.89 RCW, or a certified nursing assistant as defined in RCW 18.88A.020.

(2) "Employer" means an individual, partnership, association, corporation, the state, a political subdivision of the state, or person or group of persons, acting directly or indirectly in the interest of a health care facility.

(3) (a) "Health care facility" means the following facilities, or any part of the facility, including such facilities if owned and operated by a political subdivision or instrumentality of the state, that operate on a twenty-four hours per day, seven days per week basis:

(i) Hospices licensed under chapter 70.127 RCW;

(ii) Hospitals licensed under chapter 70.41 RCW ~~((, except that until July 1, 2021, the provisions of section 3, chapter 296, Laws of 2019 do not apply to:~~

~~(A) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i-4;~~

~~(B) Hospitals with fewer than twenty-five acute care beds in operation; and~~

~~(C) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, that: Have had less than one hundred fifty acute care licensed beds in fiscal year 2011; have a level III adult trauma service designation from the department of health as of January 1, 2014; and are owned and operated by the state or a political subdivision));~~

(iii) Rural health care facilities as defined in RCW 70.175.020;

(iv) Psychiatric hospitals licensed under chapter 71.12 RCW; or

(v) Facilities owned and operated by the department of corrections or by a governing unit as defined in RCW 70.48.020 in a correctional institution as defined in RCW 9.94.049 that provide health care services.

(b) If a nursing home regulated under chapter 18.51 RCW or a home health agency regulated under chapter 70.127 RCW is operating under the license of a health care facility, the nursing home or home health agency is considered part of the health care facility for the purposes of this subsection.

(4) "Overtime" means the hours worked in excess of an agreed upon, predetermined, regularly scheduled shift within a twenty-four hour period not to exceed twelve hours in a twenty-four hour period or eighty hours in a consecutive fourteen-day period.

(5) "On-call time" means time spent by an employee who is not working on the premises of the place of employment but who is compensated for availability or who, as a condition of employment, has agreed to be available to return to the premises of the place of employment on short notice if the need arises.

(6) "Reasonable efforts" means that the employer (~~(7) to the extent reasonably possible, does~~) exhausts and documents all of the following but is unable to obtain staffing coverage:

(a) Seeks individuals to volunteer to work extra time from all available qualified staff who are working;

(b) Contacts qualified employees who have made themselves available to work extra time;

(c) Seeks the use of per diem staff; and

(d) Seeks personnel from a contracted temporary agency when such staffing is permitted by law or an applicable collective bargaining agreement, and when the employer regularly uses a contracted temporary agency.

(7) "Unforeseeable emergent circumstance" means (a) any unforeseen declared national, state, or municipal emergency; or (b) when a health care facility disaster plan is activated (~~(7) or (c) any unforeseen disaster or other catastrophic event which substantially affects or increases the need for health care services~~)).

Sec. 10. RCW 49.28.140 and 2019 c 296 s 3 are each amended to read as follows:

(1) No employee of a health care facility may be required to work overtime. Attempts to compel or force employees to work overtime are contrary to public policy, and any such requirement contained in a contract, agreement, or understanding is void.

(2) The acceptance by any employee of overtime is strictly voluntary, and the refusal of an employee to accept such overtime work is not grounds for discrimination, dismissal, discharge, or any other penalty, threat of reports for discipline, or employment decision adverse to the employee.

(3) This section does not apply to overtime work that occurs:

(a) Because of mandatory any unforeseeable emergent circumstance;

(b) Because of prescheduled on-call time not to exceed more than 24 hours per week, subject to the following:

(i) Mandatory prescheduled on-call time may not be used in lieu of scheduling employees to work regularly scheduled shifts when a staffing plan indicates the need for a scheduled shift; and

(ii) Mandatory prescheduled on-call time may not be used to address regular changes in patient census or acuity or expected increases in the number of employees not reporting for predetermined scheduled shifts;

(c) When the employer documents that the employer has used reasonable efforts to obtain and retain staffing. An employer has not used reasonable efforts

if overtime work is used to fill vacancies resulting from chronic staff shortages that persist longer than three months; or

(d) When an employee is required to work overtime to complete a patient care procedure already in progress where the absence of the employee could have an adverse effect on the patient.

(4) An employee accepting overtime who works more than twelve consecutive hours shall be provided the option to have at least eight consecutive hours of uninterrupted time off from work following the time worked.

Sec. 11. RCW 49.28.150 and 2002 c 112 s 4 are each amended to read as follows:

The department of labor and industries shall investigate complaints of violations of RCW 49.28.140 (as recodified by this act) as provided under section 12 of this act. (~~A violation of RCW 49.28.140 is a class 1 civil infraction in accordance with chapter 7.80 RCW, except that the maximum penalty is one thousand dollars for each infraction up to three infractions. If there are four or more violations of RCW 49.28.140 for a health care facility, the employer is subject to a fine of two thousand five hundred dollars for the fourth violation, and five thousand dollars for each subsequent violation. The department of labor and industries is authorized to issue and enforce civil infractions according to chapter 7.80 RCW.~~)

NEW SECTION. Sec. 12. (1)(a) If a complainant files a complaint with the department alleging a violation of this chapter, the department shall investigate the complaint.

(b) The department may not investigate any such alleged violation of rights that occurred more than three years before the date that the complainant filed the complaint.

(c) Upon the investigation of a complaint, the department shall issue either a citation and notice of assessment or a closure letter, within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the complainant and the employer setting forth good cause for an

extension of the period, and specifying the duration of the extension.

(d) The department shall send a citation and notice of assessment or the closure letter to both the employer and the complainant by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses.

(2) If the department's investigation finds that the complainant's allegation cannot be substantiated, the department shall issue a closure letter to the complainant and the employer detailing such finding.

(3)(a) If the department finds a violation of this chapter, the department shall order the employer to pay the department a civil penalty.

(b) Except as provided otherwise in this chapter, the maximum penalty is \$1,000 for each violation up to three violations. If there are four or more violations of this chapter for a health care facility, the employer is subject to a civil penalty of \$2,500 for the fourth violation, and \$5,000 for each subsequent violation.

(4) The department may, at any time, waive or reduce a civil penalty assessed under this section if the director of the department determines that the employer has taken corrective action to resolve the violation.

(5) The department shall deposit all civil penalties paid under this chapter in the supplemental pension fund established under RCW 51.44.033.

NEW SECTION. Sec. 13. (1) A person, firm, or corporation aggrieved by a citation and notice of assessment by the department under this chapter may appeal the citation and notice of assessment to the director of the department by filing a notice of appeal with the director within 30 days of the department's issuance of the citation and notice of assessment. A citation and notice of assessment not appealed within 30 days is final and binding, and not subject to further appeal.

(2) A notice of appeal filed with the director of the department under this section shall stay the effectiveness of the citation and notice of assessment pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(3) Upon receipt of a notice of appeal, the director of the department shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(4) The director of the department shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(5) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(6) An employer who fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of the penalty assessed.

NEW SECTION. Sec. 14. Collections of unpaid citations assessing civil penalties will be pursuant to RCW 49.48.086.

NEW SECTION. Sec. 15. (1) Any employee employed by a health care facility covered by RCW 49.12.480, 49.28.130, and 49.28.140 (as recodified by this act), and any direct care nurse or direct care nursing assistant-certified covered by section 3 of this act, or any labor organization that is the exclusive bargaining representative of any such persons, alleging a violation of this chapter may bring a civil action against the health care facility or hospital.

(2) A health care facility's or hospital's violation of this chapter or rules adopted under this chapter constitutes a concrete and particularized injury in fact to

employees employed by the health care facility.

(3) The court may award to a prevailing plaintiff:

(a) An amount not less than \$100 and not greater than \$5,000 per violation per day;

(b) Reasonable attorneys' fees and litigation costs;

(c) Any other relief, including equitable and declaratory relief, that the court deems appropriate.

(4) The remedy under this section is in addition to any administrative enforcement under this chapter.

NEW SECTION. Sec. 16. The department may adopt and implement rules to carry out and enforce the provisions of this chapter, including but not limited to protecting employees from retaliation for filing complaints under this chapter.

NEW SECTION. Sec. 17. (1) By November 1, 2023, the department of health must submit a report to the appropriate committees of the legislature that assesses the state's alternatives to increase the registered nurse licensure reciprocity between Washington and other states, in particular bordering states. In developing the report under this section, the department must consult with stakeholders including, but not limited to, the nursing commission, unions representing registered nurses, and the Washington state hospital association. The department must also consult with the military department to gather relevant information pertaining to impacts on military spouses and partners.

(2) The report must include, at a minimum:

(a) An assessment of current registered nurse reciprocity laws, compacts, and rules;

(b) Alternatives to current reciprocity laws and rules, and the impacts of these alternatives; and

(c) Information on how military spouses or partners may benefit from a compact or reciprocity.

(3) This section expires November 1, 2024.

NEW SECTION. Sec. 18. 2017 c 249 s 4 (uncodified) is repealed.

NEW SECTION. Sec. 19. Sections 3, 4, 7, and 12 through 16 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 20. RCW 70.41.410, 70.41.420, and 70.41.425 are each recodified as sections in chapter 49.--- RCW (the new chapter created in section 19 of this act).

NEW SECTION. Sec. 21. RCW 49.12.480, 49.28.130, 49.28.140, and 49.28.150 are each recodified as sections in chapter 49.--- RCW (the new chapter created in section 19 of this act).

NEW SECTION. Sec. 22. This act takes effect January 1, 2023.

NEW SECTION. Sec. 23. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Schmick moved the adoption of amendment (1050) to striking amendment (1008):

On page 1, beginning on line 13 of the striking amendment, after "Specifically," strike all material through "standards," on line 14

On page 2, beginning on line 37 of the striking amendment, strike all of sections 3 and 4

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

On page 9, beginning on line 20 of the striking amendment, after "plan," strike all material through "and" on line 21

On page 10, beginning on line 19 of the striking amendment, after "against" strike all material through "act," on line 20

On page 13, line 18 of the striking amendment, after "act," strike "or section 3 of this act"

On page 13, line 25 of the striking amendment, after "violation of" strike "section 3 of this act,"

On page 14, beginning on line 12 of the striking amendment, after "violation of" strike all material through "or" on line 13

On page 24, beginning on line 1 of the striking amendment, after "act)," strike all material through "act," on line 2

On page 25, line 5 of the striking amendment, after "Sections" strike all material through "7," and insert "7"

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

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

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1050) to striking amendment (1008) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0

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

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

Representative Hoff moved the adoption of amendment (1046) to striking amendment (1008):

On page 1, line 24 of the striking amendment, after "department of" strike "labor and industries" and insert "health"

On page 3, line 1 of the striking amendment, after "department of" strike "labor and industries" and insert "health"

On page 25, beginning on line 7 of the striking amendment, strike all of section 20

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

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

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

Amendment (1046) to striking amendment (1008) was not adopted.

Representative Volz moved the adoption of amendment (1025) to striking amendment (1008):

On page 23, beginning on line 37 of the striking amendment, strike all of section 15

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

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

Amendment (1025) to striking amendment (1008) was adopted.

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

Striking amendment (1008), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Riccelli, Simmons, Macri, Sells and Cody spoke in favor of the passage of the bill.

Representatives Schmick, Volz, Dent, Caldier, Dye, Mosbrucker, Corry, Harris, Stokesbary, McEntire, Walsh, Maycumber and Hoff spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1868.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1868, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1868, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2007, by Representatives Slatter, Cody, Bergquist, Goodman, Leavitt, Peterson, Ramel, Ryu, Santos, Senn, Tharinger, Chopp, Macri, Bateman, Ormsby, Riccelli, Lekanoff and Pollet

Establishing a nurse educator loan repayment program under the Washington health corps.

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

The Speaker stated the question before the House to be the final passage of House Bill No. 2007.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2007, 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, Donaghy, 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, 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.

HOUSE BILL NO. 2007, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Bronoske to preside.

HOUSE BILL NO. 1706, by Representatives Sells, Ryu, Wicks, Berry, Valdez, Graham, Berg, Macri, Peterson, Senn, Shewmake, Orwall, Gregerson, Dolan, Fitzgibbon, Paul, Stonier, Davis, Riccelli, Santos, Taylor and Kloba

Concerning truck drivers ability to access restroom facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1706 was substituted for House Bill No. 1706 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1706 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 Sells, Barkis and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1706.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1706, 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, Donaghy, 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, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1706, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1694, by Representatives Berry, Fitzgibbon, Ramel, Bateman, Duerr, Callan, Macri, Harris-Talley, Hackney and Frame

Concerning logistical processes for the regulation of priority chemicals in consumer products.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1694 was substituted for House Bill No. 1694 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1694 was read the second time.

Representative Dye moved the adoption of amendment (846):

On page 1, beginning on line 8, after "(1)" strike all material through "(2)" on line 18

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

On page 2, line 20, after "and" strike "at least"

On page 2, line 24, after "and" strike "at least"

On page 2, line 28, after "and" strike "at least"

On page 2, line 32, after "and" strike "at least"

Beginning on page 4, line 3, strike sections 3, 4, and 5

Correct the title.

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

Representative Duerr spoke against the adoption of the amendment.

Amendment (846) was not adopted.

Representative Berry moved the adoption of amendment (1023):

On page 2, line 13, after "By" strike "June" and insert "~~((June))~~ September"

On page 2, line 16, after "of" strike "June" and insert "September"

On page 2, line 18, after "By" strike "June" and insert "~~((June))~~ September"

On page 2, line 20, after "By" strike "June" and insert "~~((June))~~ September"

On page 2, line 24, after "By" strike "June" and insert "~~((June))~~ September"

On page 2, line 28, after "By" strike "June" and insert "~~((June))~~ September"

On page 2, line 32, after "By" strike "June" and insert "~~(June)~~ September"

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

Amendment (1023) was adopted.

The bill was ordered engrossed.

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

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

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1694.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1694, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1812, by Representatives Fitzgibbon, Wylie, Berry, Valdez, Pollet and Harris-Talley

Modernizing the energy facility site evaluation council to meet the state's clean energy goals.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1812 was substituted for House Bill No. 1812 and the

second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1812 was read the second time.

Representative Fitzgibbon moved the adoption of striking amendment (1016):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.50.010 and 2001 c 214 s 1 are each amended to read as follows:

The legislature finds that the present and predicted growth in energy demands in the state of Washington requires ~~((the development of))~~ a procedure for the selection and ~~((utilization))~~ use of sites for energy facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites will have a significant impact upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.

It is the policy of the state of Washington to reduce dependence on fossil fuels by recognizing the need for clean energy in order to strengthen the state's economy, meet the state's greenhouse gas reduction obligations, and mitigate the significant near-term and long-term impacts from climate change while conducting a public process that is transparent and inclusive to all with particular attention to overburdened communities.

The legislature finds that the in-state manufacture of industrial products that enable a clean energy economy is critical to advancing the state's objectives in providing affordable electricity, promoting renewable energy, strengthening the state's economy, and reducing greenhouse gas emissions. Therefore, the legislature intends to provide the council with additional authority regarding the siting of clean energy product manufacturing facilities.

It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods~~((r))~~ that the location and operation of ~~((such))~~ all energy facilities and certain clean energy product manufacturing facilities will produce minimal adverse effects on the

environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for energy facility location and operation in conjunction with the broad interests of the public. In addition, it is the intent of the legislature to streamline application review for energy facilities to meet the state's energy goals and to authorize applications for review of certain clean energy product manufacturing facilities to be considered under the provisions of this chapter.

Such action will be based on these premises:

(1) To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for their welfare and protection.

(2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; ~~((and))~~ to pursue beneficial changes in the environment; and to promote environmental justice for overburdened communities.

(3) To encourage the development and integration of clean energy sources.

(4) To provide abundant clean energy at reasonable cost.

~~((4))~~ (5) To avoid costs of complete site restoration and demolition of improvements and infrastructure at unfinished nuclear energy sites, and to use unfinished nuclear energy facilities for public uses, including economic development, under the regulatory and management control of local governments and port districts.

~~((5))~~ (6) To avoid costly duplication in the siting process and ensure that decisions are made timely and without unnecessary delay while also encouraging meaningful public comment and participation in energy facility decisions.

Sec. 2. RCW 80.50.020 and 2021 c 317 s 17 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative energy resource" includes energy facilities of the following types: (a) Wind; (b) solar energy; (c) geothermal energy; (d) ~~((landfill))~~ renewable natural gas; (e) wave or tidal action; ~~((e))~~ (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; or (g) renewable or green electrolytic hydrogen.

(2) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(3) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(4) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid. However, common carrier railroads or motor vehicles shall not be included.

(5) "Biofuel" means a liquid or gaseous fuel derived from organic matter ~~((intended for use as a transportation fuel))~~ including, but not limited to, biodiesel, renewable diesel, ethanol, renewable natural gas, and renewable propane.

(6) "Certification" means a binding agreement between an applicant and the

state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(7) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

(8) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(9) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

(10) "Electrical transmission facilities" means electrical power lines and related equipment.

(11) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

(12) "Energy plant" means the following facilities together with their associated facilities:

(a) Any nuclear power facility where the primary purpose is to produce and sell electricity;

(b) Any nonnuclear stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more suspended on the surface of water by means of a barge, vessel, or other floating platform;

(c) Facilities which will have the capacity to receive liquefied natural gas

in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(d) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(e) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day;

(f) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum or biofuel into refined products except where such biofuel production is undertaken at existing industrial facilities; and

(g) Facilities capable of producing more than one thousand five hundred barrels per day of refined biofuel but less than twenty-five thousand barrels of refined biofuel.

(13) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

(14) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by chapter 325, Laws of 2007.

(15) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(16) "Preapplicant" means a person considering applying for a site certificate agreement for any (~~transmission~~) facility.

(17) "Preapplication process" means the process which is initiated by written correspondence from the preapplicant to the council, and includes the process adopted by the council for consulting with the preapplicant and with federally recognized tribes, cities, towns, and counties prior to accepting applications for ((all transmission facilities)) any facility.

(18) "Secretary" means the secretary of the United States department of energy.

(19) "Site" means any proposed or approved location of an energy facility, alternative energy resource, clean energy product manufacturing facility, or electrical transmission facility.

(20) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel for distribution of electricity by electric utilities.

(21) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal ((power)) energy regulatory commission.

(22) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state Constitution, or as otherwise designated by chapter 325, Laws of 2007.

(23) "Clean energy product manufacturing facility" means a facility that exclusively or primarily manufactures the following products or components primarily used by such products:

(a) Vehicles, vessels, and other modes of transportation that emit no exhaust gas from the onboard source of power, other than water vapor;

(b) Charging and fueling infrastructure for electric, hydrogen, or other types of vehicles that emit no exhaust gas from the onboard source of power, other than water vapor;

(c) Renewable or green electrolytic hydrogen, including preparing renewable or green electrolytic hydrogen for distribution as an energy carrier or manufacturing feedstock;

(d) Equipment and products used to produce energy from alternative energy resources; and

(e) Equipment and products used at storage facilities.

(24) "Director" means the director of the energy facility site evaluation council appointed by the chair of the council in accordance with section 4 of this act.

(25) (a) "Green electrolytic hydrogen" means hydrogen produced through electrolysis.

(b) "Green electrolytic hydrogen" does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(26) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for the hydrogen and the source for the energy input into the production process.

(27) "Renewable natural gas" means a gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters.

(28) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) renewable natural gas; (f) renewable hydrogen; (g) wave, ocean, or tidal power; (h) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (i) biomass energy.

(29) "Storage facility" means a plant that: (a) Accepts electricity as an energy source and uses a chemical, thermal, mechanical, or other process to store energy for subsequent delivery or consumption in the form of electricity;

or (b) stores renewable hydrogen or green electrolytic hydrogen for subsequent delivery or consumption.

Sec. 3. RCW 80.50.030 and 2010 c 271 s 601 and 2010 c 152 s 2 are each reenacted and amended to read as follows:

(1) ~~((There is created and established the))~~ The energy facility site evaluation council is created and established.

(2) ~~((a))~~ The chair of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chair may designate a member of the council to serve as acting chair in the event of the chair's absence. The salary of the chair shall be determined under RCW 43.03.040. The chair is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.250.

~~((b) The chair or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington utilities and transportation commission shall provide all administrative and staff support for the council. The commission has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW. The council shall otherwise retain its independence in exercising its powers, functions, and duties and its supervisory control over nonadministrative staff support. Membership, powers, functions, and duties of the Washington state utilities and transportation commission and the council shall otherwise remain as provided by law.))~~

(3) (a) The council shall consist of the ~~((directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors.))~~

~~(i) Department of ecology;~~

~~(ii) Department of fish and wildlife;~~

~~(iii) Department of commerce;~~

~~(iv) Utilities and transportation commission; and~~

~~(v) Department of natural resources))~~
chair of the council and:

(i) The director of the department of ecology or the director's designee;

(ii) The director of the department of fish and wildlife or the director's designee;

(iii) The director of the department of commerce or the director's designee;

(iv) The chair of the utilities and transportation commission or the chair's designee; and

(v) The commissioner of public lands or the commissioner's designee.

(b) The directors, administrators, or their designees, of the following departments, agencies, and commissions, or their statutory successors, may participate as councilmembers at their own discretion provided they elect to participate no later than sixty days after an application is filed:

(i) Department of agriculture;

(ii) Department of health;

(iii) Military department; and

(iv) Department of transportation.

~~((c) Council membership is discretionary for agencies that choose to participate under (b) of this subsection only for applications that are filed with the council on or after May 8, 2001. For applications filed before May 8, 2001, council membership is mandatory for those agencies listed in (b) of this subsection.))~~

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(5) The city legislative authority of every city within whose corporate limits an energy facility is proposed to be located shall appoint a member or

designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

(7) A quorum of the council consists of a majority of members appointed for business to be conducted.

NEW SECTION. Sec. 4. A new section is added to chapter 80.50 RCW to read as follows:

(1) The chair of the council or the chair's designee shall execute all official documents, contracts, and other materials on behalf of the council.

(2) The chair of the council shall appoint a director to oversee the operations of the council and carry out the duties of this chapter as delegated by the chair. The chair of the council may delegate to the director its status as appointing authority for the council.

(3) The director shall employ such administrative and professional personnel as may be necessary to perform the administrative work of the council and implement this chapter. The director has supervisory authority over all staff of the council. Not more than four employees may be exempt from chapter 41.06 RCW.

Sec. 5. RCW 80.50.040 and 2001 c 214 s 6 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.05 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, ~~((and))~~ initial operational conditions of certification, and ongoing regulatory oversight under the regulatory authority established in this chapter of energy facilities subject to this chapter;

(3) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.05 RCW;

(4) To prescribe the form, content, and necessary supporting documentation for site certification;

(5) To receive applications for energy facility locations and to investigate the sufficiency thereof;

(6) To ~~((make and contract, when applicable, for independent studies of sites proposed by the applicant))~~ enter into contracts to carry out the provisions of this chapter;

(7) To conduct hearings on the proposed location and operational conditions of the energy facilities under the regulatory authority established in this chapter;

(8) To prepare written reports to the governor which shall include: (a) A statement indicating whether the application is in compliance with the council's guidelines, (b) criteria specific to the site and transmission line routing, (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

(9) To prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification and/or permits issued by the council pursuant to chapter 90.48 RCW or subsection (12) of this section: PROVIDED, That any on-site inspection required by the council shall be performed by other state agencies

pursuant to interagency agreement: PROVIDED FURTHER, That the council may retain authority for determining compliance relative to monitoring;

(10) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication;

(11) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington;

(12) To issue permits in compliance with applicable provisions of the federally approved state implementation plan adopted in accordance with the Federal Clean Air Act, as now existing or hereafter amended, for the new construction, reconstruction, or enlargement or operation of energy facilities: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to this chapter: AND PROVIDED FURTHER, That all such permits be conditioned upon compliance with all provisions of the federally approved state implementation plan which apply to energy facilities covered within the provisions of this chapter; and

(13) To serve as an interagency coordinating body for energy-related issues.

Sec. 6. RCW 80.50.060 and 2021 c 317 s 18 are each amended to read as follows:

(1) ~~((Except for biofuel refineries specified in RCW 80.50.020(12)(g), the))~~
 (a) The provisions of this chapter apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (12) and (21). No construction or reconstruction of such energy facilities may be undertaken, except as otherwise provided in this chapter, ~~((after July 15, 1977,))~~ without first

obtaining certification in the manner provided in this chapter.

~~((2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing biofuel refinery specified in RCW 80.50.020(12)(g) or a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.~~

~~(3)) (b) If applicants proposing the following types of facilities choose to receive certification under this chapter, the provisions of this chapter apply to the construction, reconstruction, or enlargement of these new or existing facilities:~~

~~(i) Biofuel refineries specified in RCW 80.50.020(12)(g);~~

~~(ii) Alternative energy resource facilities;~~

~~(iii) Electrical transmission facilities: (A) Of a nominal voltage of at least 150,000 volts; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances;~~

~~(iv) Clean energy product manufacturing facilities; and~~

~~(v) Storage facilities.~~

~~(c) All of the council's powers with regard to energy facilities apply to all of the facilities in (b) of this subsection and these facilities are subject to all provisions of this chapter that apply to an energy facility.~~

~~(2)(a) The provisions of this chapter must apply to the construction, reconstruction, or modification of electrical transmission facilities when((+~~

~~(i) The)) the facilities are located in a national interest electric transmission corridor as specified in RCW 80.50.045((+~~

~~(ii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage of at least one hundred fifteen thousand volts and are located in a completely new corridor, except for the terminus of the new facility or interconnection of the new facility with the existing grid, and the corridor is not otherwise used for electrical transmission facilities; and~~

~~(B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances; or~~

~~(iii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage in excess of one hundred fifteen thousand volts; and (B) located outside an electrical transmission corridor identified in (a)(i) and (ii) of this subsection (3)).~~

(b) For the purposes of this subsection, ~~(("modify"))~~ "modification" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

~~((4))~~ (3) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (12) and (21).

~~((5))~~ (4) Applications for certification of energy facilities made prior to July 15, 1977, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977, with the exceptions of RCW ~~((80.50.190 and))~~ 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

~~((6))~~ (5) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

(6) Upon receipt of an application for certification under this chapter, the chair of the council shall notify:

(a) The appropriate county legislative authority or authorities where the proposed facility is located;

(b) The appropriate city legislative authority or authorities where the proposed facility is located;

(c) The department of archaeology and historic preservation; and

(d) The appropriate federally recognized tribal governments that may be affected by the proposed facility.

(7) The council must work with local governments where a project is proposed to be sited in order to provide for meaningful participation and input during siting review and compliance monitoring.

(8) The council must consult with all federally recognized tribes that possess resources, rights, or interests reserved or protected by federal treaty, statute, or executive order in the area where an energy facility is proposed to be located to provide early and meaningful participation and input during siting review and compliance monitoring. The chair and designated staff must offer to conduct government-to-government consultation to address issues of concern raised by such a tribe. The goal of the consultation process is to identify tribal resources or rights potentially affected by the proposed energy facility and to seek ways to avoid, minimize, or mitigate any adverse effects on tribal resources or rights. The chair must provide regular updates on the consultation to the council throughout the application review process. The report from the council to the governor required in RCW 80.50.100 must include a summary of the government-to-government consultation process that complies with RCW 42.56.300, including the issues and proposed resolutions.

(9) The department of archaeology and historic preservation shall coordinate with the affected federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

NEW SECTION. Sec. 7. A new section is added to chapter 80.50 RCW to read as follows:

(1) A person proposing to construct, reconstruct, or enlarge a clean energy product manufacturing facility may choose to receive certification under this chapter.

(2) All of the council's powers with regard to energy facilities apply to clean energy product manufacturing facilities, and such a facility is subject to all provisions of this chapter that apply to an energy facility.

Sec. 8. RCW 80.50.071 and 2016 sp.s. c 10 s 1 are each amended to read as follows:

(1) The council shall receive all applications for energy facility site certification. Each applicant shall pay actual costs incurred by the council ~~((and the utilities and transportation commission))~~ in processing an application.

(a) Each applicant shall, at the time of application submission, ~~((deposit with the utilities and transportation commission))~~ pay to the council for deposit into the energy facility site evaluation council account created in section 15 of this act an amount up to fifty thousand dollars, or such greater amount as specified by the council after consultation with the applicant. The council ~~((and the utilities and transportation commission))~~ shall charge costs against the deposit if the applicant withdraws its application and has not reimbursed ~~((the commission, on behalf of))~~ the council ~~((r))~~ for all actual expenditures incurred in considering the application.

(b) The council may commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment or any matter that it deems essential to an adequate appraisal of the site. The council ~~((r after consultation with the utilities and transportation commission,))~~ shall provide an estimate of the cost of the study to the applicant and consider applicant comments.

(c) In addition to the deposit required under (a) of this subsection, applicants must reimburse ~~((the utilities and transportation commission, on behalf of))~~ the council ~~((r))~~ for actual expenditures that arise in considering the application, including the cost of any independent consultant study. The ~~((utilities and transportation commission, on behalf of the))~~ council ~~((r))~~ shall submit to each applicant an invoice of actual expenditures made during the preceding calendar quarter in sufficient detail to explain the expenditures. The applicant

shall pay the ~~((utilities and transportation commission))~~ council the amount of the invoice by the due date.

(2) Each certificate holder shall pay ~~((to the utilities and transportation commission))~~ the actual costs incurred by the council for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction, operation, and site restoration of the facility.

(a) Each certificate holder shall, within thirty days of execution of the site certification agreement, ~~((deposit with the utilities and transportation commission))~~ pay to the council for deposit into the energy facility site evaluation council account created in section 15 of this act an amount up to fifty thousand dollars, or such greater amount as specified by the council after consultation with the certificate holder. The council ~~((and the utilities and transportation commission))~~ shall charge costs against the deposit if the certificate holder ceases operations and has not reimbursed ~~((the commission, on behalf of))~~ the council ~~((r))~~ for all actual expenditures incurred in conducting inspections and determining compliance with the terms of the certification.

(b) In addition to the deposit required under (a) of this subsection, certificate holders must reimburse ~~((the utilities and transportation commission, on behalf of))~~ the council ~~((r))~~ for actual expenditures that arise in administering this chapter and determining compliance. The council ~~((r after consultation with the utilities and transportation commission,))~~ shall submit to each certificate holder an invoice of the expenditures actually made during the preceding calendar quarter in sufficient detail to explain the expenditures. The certificate holder shall pay ~~((the utilities and transportation commission))~~ the amount of the invoice by the due date.

(3) If an applicant or certificate holder fails to provide the initial deposit, or if subsequently required payments are not received within thirty days following receipt of the invoice from the council, the council may (a) in the case of the applicant, suspend processing of the application until payment is received; or (b) in the case

of a certificate holder, suspend the certification.

(4) All payments required of the applicant or certificate holder under this section are to be made to the ~~((utilities and transportation commission who shall make payments as instructed by the council from the funds submitted))~~ council for deposit into the energy facility site evaluation council account created in section 15 of this act. All such funds shall be subject to state auditing procedures. Any unexpended portions of the deposit shall be returned to the applicant within sixty days following the conclusion of the application process or to the certificate holder within sixty days after a determination by the council that the certificate is no longer required and there is no continuing need for compliance with its terms. For purposes of this section, "conclusion of the application process" means after the governor's decision granting or denying a certificate and the expiration of any opportunities for judicial review.

(5) (a) Upon receipt of an application for an energy facility site certification proposing an energy plant or alternative energy resource that is connected to electrical transmission facilities of a nominal voltage of at least one hundred fifteen thousand volts, the council shall notify in writing the United States department of defense. The notification shall include, but not be limited to, the following:

(i) A description of the proposed energy plant, clean energy product manufacturing facility, or alternative energy resource;

(ii) The location of the site;

(iii) The placement of the energy plant or alternative energy resource on the site;

(iv) The date and time by which comments must be received by the council; and

(v) Contact information of the council and the applicant.

(b) The purpose of the written notification is to provide an opportunity for the United States department of defense to comment upon the application, and to identify potential issues relating to the placement and operations of the energy plant or alternative energy

resource, before a site certification application is approved. The time period set forth by the council for receipt of such comments shall not extend the time period for the council's processing of the application.

(c) In order to assist local governments required to notify the United States department of defense under RCW 35.63.270, 35A.63.290, and 36.01.320, the council shall post on its website the appropriate information for contacting the United States department of defense.

Sec. 9. RCW 80.50.090 and 2006 c 205 s 3 and 2006 c 196 s 6 are each reenacted and amended to read as follows:

(1) The council shall conduct an informational public hearing in the county of the proposed site as soon as practicable but not later than sixty days after receipt of an application for site certification. However, the place of such public hearing shall be as close as practical to the proposed site.

(2) Subsequent to the informational public hearing, the council shall conduct a public hearing to determine whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances ~~((. If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the city, county, or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site))~~ on the date of the application.

(3) (a) After the submission of an environmental checklist and prior to issuing a threshold determination that a facility is likely to cause a significant adverse environmental impact under chapter 43.21C RCW, the director must notify the project applicant and explain in writing the basis for its anticipated determination of significance. Prior to issuing the threshold determination of significance, the director must give the project applicant the option of withdrawing and revising its application and the associated environmental checklist to clarify or make changes to features of the proposal that are designed to mitigate the impacts that were the basis of the director's anticipated determination of significance. The director shall make the

threshold determination based upon the changed or clarified proposal following the applicant's submittal. The director must provide an opportunity for public comment on a project for which a project applicant has withdrawn and revised the application and environmental checklist and subsequently received a threshold determination of nonsignificance or mitigated determination of nonsignificance.

(b) The notification required under (a) of this subsection is not an official determination by the director and is not subject to appeal under chapter 43.21C RCW.

((3)) (4) Prior to the issuance of a council recommendation to the governor under RCW 80.50.100 a public hearing, conducted as an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, shall be held.

(a) At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification by raising one or more specific issues, provided that the person has raised the issue or issues in writing with specificity during the application review process or during the public comment period that will be held prior to the start of the adjudicative hearing.

(b) If the environmental impact of the proposed facility in an application for certification is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031, the council may limit the topic of the public hearing conducted as an adjudicative proceeding under this section to whether any land use plans or zoning ordinances with which the proposed site is determined to be inconsistent under subsection (2) of this section should be preempted.

(5) After expedited processing is granted under RCW 80.50.075, the council must hold a public meeting to take comments on the proposed application prior to issuing a council recommendation to the governor.

((4)) (6) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter.

Sec. 10. RCW 80.50.100 and 2011 c 180 s 109 are each amended to read as follows:

(1) (a) The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within twelve months of receipt by the council of ~~((such))~~ an application deemed complete by the director, or such later time as is mutually agreed by the council and the applicant.

(b) The council shall review and consider comments received during the application process in making its recommendation.

(c) In the case of an application filed prior to December 31, 2025, for certification of an energy facility proposed for construction, modification, or expansion for the purpose of providing generating facilities that meet the requirements of RCW 80.80.040 and are located in a county with a coal-fired electric ~~((generating))~~ generation facility subject to RCW 80.80.040(3)(c), the council shall expedite the processing of the application pursuant to RCW 80.50.075 and shall report its recommendations to the governor within one hundred eighty days of receipt by the council of such an application, or a later time as is mutually agreed by the council and the applicant.

(2) If the council recommends approval of an application for certification, it shall also submit a draft certification agreement with the report. The council shall include conditions in the draft certification agreement to implement the provisions of this chapter ~~((7))~~ including, but not limited to, conditions to protect state or local governmental or community interests affected by the construction or operation of the ~~((energy))~~ facility, and conditions designed to recognize the purpose of laws or ordinances, or rules or regulations promulgated thereunder, that are preempted or superseded pursuant to RCW 80.50.110 as now or hereafter amended.

(3) (a) Within ~~((sixty))~~ 60 days of receipt of the council's report the governor shall take one of the following actions:

(i) Approve the application and execute the draft certification agreement; or

(ii) Reject the application; or

(iii) Direct the council to reconsider certain aspects of the draft certification agreement.

(b) The council shall reconsider such aspects of the draft certification agreement by reviewing the existing record of the application or, as necessary, by reopening the adjudicative proceeding for the purposes of receiving additional evidence. Such reconsideration shall be conducted expeditiously. The council shall resubmit the draft certification to the governor incorporating any amendments deemed necessary upon reconsideration. Within ~~((sixty))~~ 60 days of receipt of such draft certification agreement, the governor shall either approve the application and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant.

(4) The rejection of an application for certification by the governor shall be final as to that application but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.

Sec. 11. RCW 80.50.175 and 1983 c 3 s 205 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

(2) ~~((The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a preliminary study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.~~

~~(3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but need not be limited to, the preparation and analysis of environmental impact information for the proposed potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the~~

~~potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant: PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.~~

~~(4) Any study prepared by the council pursuant to subsection (3) of this section may be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the council created pursuant to chapter 80.50 RCW.~~

~~(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.~~

~~(6) Nothing in this section shall change the requirements for an application for site certification or the requirement of payment of a fee as provided in RCW 80.50.071, or change the time for disposition of an application for certification as provided in RCW 80.50.100.~~

~~(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.))~~ (a) The council, upon agreement with any potential applicant, is authorized as provided in this section to conduct a preliminary study of any potential project prior to receipt of an application for site certification. This preliminary study must be completed before any environmental review or process under RCW 43.21C.031 is initiated. A fee of \$10,000 for each potential project, to be applied toward the cost of any study agreed upon pursuant to (b) of this subsection, must accompany the agreement and is a condition precedent to any action on the agreement by the council.

(b) Upon agreement with the potential applicant, the council may commission its own independent consultant to study matters relative to the potential

project. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential project is located, any federal, state, local, or tribal governmental agency that might be requested to comment on the potential project, and any municipal or public corporation having an interest in the matter. The full cost of the study must be paid by the potential applicant. However, costs exceeding a total of \$10,000 are payable subject to the potential applicant giving prior approval to such an excess amount.

(3) All payments required of the potential applicant under this section must be deposited into the energy facility site evaluation council account created in section 15 of this act. All of these funds are subject to state auditing procedures. Any unexpended portions of the funds must be returned to the potential applicant.

(4) If a potential applicant subsequently submits a formal application for site certification to the council for a site where a preliminary study was conducted, payments made under this section for that study may be considered as payment towards the application fee provided in RCW 80.50.071.

NEW SECTION. Sec. 12. A new section is added to chapter 80.50 RCW to read as follows:

(1) Except for the siting of electrical transmission facilities, any potential applicant may request a preapplication review of a proposed project. Council staff must review the preapplicant's draft application materials and provide comments on either additional studies or stakeholder and tribal input, or both, that should be included in the formal application for site certification. Council staff must inform affected federally recognized tribes under RCW 80.50.060 of the preapplication review. The department of archaeology and historic preservation shall coordinate with the affected federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

(2) After initial review, the director and the applicant may agree on fees to be paid by the applicant so that council staff may conduct further review and

consultation, including contracting for review by other parties.

Sec. 13. RCW 80.50.340 and 2007 c 325 s 4 are each amended to read as follows:

(1) A preapplicant applying under RCW 80.50.330 shall pay to the council a fee of ten thousand dollars to be applied to the cost of the preapplication process as a condition precedent to any action by the council, provided that costs in excess of this amount shall be paid only upon prior approval by the preapplicant, and provided further that any unexpended portions thereof shall be returned to the preapplicant.

(2) The council shall consult with the preapplicant and prepare a plan for the preapplication process which shall commence with an informational public hearing within ~~((sixty))~~ 60 days after the receipt of the preapplication fee as provided in RCW 80.50.090.

(3) The preapplication plan shall include but need not be limited to:

(a) An initial consultation to explain the proposal and request input from council staff, federal and state agencies, cities, towns, counties, port districts, tribal governments, property owners, and interested individuals;

(b) Where applicable, a process to guide negotiations between the preapplicant and cities, towns, and counties within the corridor proposed pursuant to RCW 80.50.330.

(4) Fees paid under this section must be deposited in the energy facility site evaluation council account created in section 15 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions provided under RCW 41.06.070, the provisions of this chapter do not apply to the following positions at the energy facility site evaluation council: The director; the personal secretary to the director and the council chair; and up to two professional staff members.

NEW SECTION. Sec. 15. A new section is added to chapter 80.50 RCW to read as follows:

The energy facility site evaluation council account is created in the custody of the state treasurer. All receipts from funds received by the council for all

payments, including fees, deposits, and reimbursements received under this chapter must be deposited into the account. Expenditures from the account may be used for purposes set forth in this chapter. Only the chair of the council or the chair'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. 16. RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship (~~(account)~~) account, the Washington advanced college tuition payment program account, the Washington

college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences

discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive (~~eighty~~) 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 17.** A new section is added to chapter 80.50 RCW to read as follows:

(1) Those administrative powers, duties, and functions of the utilities and transportation commission that were performed under the provisions of this chapter for the council prior to the effective date of this section are transferred to the council as set forth in this act.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, duties, and functions transferred must be delivered to the custody of the council. All cabinets, furniture, office equipment, motor vehicles, and other tangible property under the inventory of the utilities and transportation commission for the council must be transferred to the council. All funds, credits, or other assets held by the utilities and transportation commission for the benefit of the council, of which were paid to the utilities and transportation commission pursuant to this chapter must be assigned to the council and transferred to the energy facility site evaluation council account created in section 15 of this act.

(b) Any appropriations made to the utilities and transportation commission for the council to carrying out its powers, functions, and duties transferred must, on the effective date of this section, be transferred and credited to the council. Any funds received pursuant to payment made under this chapter must be credited to the council and deposited in the energy facility site evaluation council account created in section 15 of this act.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall decide as to the proper allocation and certify the same to the state agencies concerned.

(3) All pending business before the utilities and transportation commission pertaining to the powers, duties, and functions transferred must be continued and acted upon by the council. All existing contracts and obligations remain in full force and must be performed by the council.

(4) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission does not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted or nonbudgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the utilities and transportation commission that are engaged in performing the powers, functions, and duties of the council, are transferred to the council. All employees classified under chapter 41.06 RCW, the state civil service law, assigned to the council shall continue to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

Sec. 18. RCW 80.50.075 and 2006 c 205 s 2 are each amended to read as follows:

(1) Any person filing an application for certification of ~~((an energy facility or an alternative energy resource))~~ any facility pursuant to this chapter may apply to the council for an expedited processing of such an application. The application for expedited processing shall be submitted to the council in such form and manner and accompanied by such information as may be prescribed by council rule. The council may grant an applicant expedited processing of an application for certification upon finding that the environmental impact of the proposed ~~((energy))~~ facility is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031 and the project is found under RCW 80.50.090(2) to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances.

(2) Upon granting an applicant expedited processing of an application for certification, the council shall not be required to:

(a) Commission an independent study to further measure the consequences of the

proposed ~~((energy facility or alternative energy resource))~~ facility on the environment, notwithstanding the other provisions of RCW 80.50.071; nor

(b) Hold an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, on the application.

(3) The council shall adopt rules governing the expedited processing of an application for certification pursuant to this section.

NEW SECTION. **Sec. 19.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 20.** This act takes effect June 30, 2022.

NEW SECTION. **Sec. 21.** The following acts or parts of acts are each repealed:

(1) RCW 80.50.190 (Disposition of receipts from applicants) and 1977 ex.s. c 371 s 15; and

(2) RCW 80.50.904 (Effective date—1996 c 4) and 1996 c 4 s 6."

Correct the title.

Representative Dye moved the adoption of amendment (1095) to striking amendment (1016):

On page 28, after line 22 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 19.** (1)(a) The department must consult with stakeholders from rural communities, agriculture, and forestry to gain a better understanding of the benefits and impacts of anticipated changes in the state's energy system, including the siting of facilities under the jurisdiction of the energy facility site evaluation council, and to identify risks and opportunities for rural communities. This consultation must be conducted in compliance with the community engagement plan developed by the department under chapter 70A.02 RCW and with input from the environmental justice council, using the best recommended practices available at the time. The department must collect the best available information and learn from the lived experiences of people in rural communities, with the objective of improving state implementation of clean

energy policies, including the siting of energy facilities under the jurisdiction of the energy facility site evaluation council, in ways that protect and improve life in rural Washington. The department must consult with an array of rural community members including low-income community and vulnerable population members or representatives, legislators, local elected officials and staff, those involved with agriculture and forestry, renewable energy project property owners, utilities, large energy consumers, and others.

(b) The consultation must include at least three stakeholder meetings in eastern and western Washington.

(c) The department's consultation with stakeholders may include, but is not limited to, the following topics:

(i) Energy facility siting under the jurisdiction of the energy facility site evaluation council, including placement of new renewable energy resources, such as wind and solar generation, pumped storage, and batteries or new non-emitting electric generation resources, and their contribution to resource adequacy;

(ii) Production of hydrogen, biofuels, and feedstocks for clean fuels;

(iii) Programs to reduce energy cost burdens on rural families and farm operations;

(iv) Electric vehicles, farm and warehouse equipment, and charging infrastructure suitable for rural use;

(v) Efforts to capture carbon or produce energy on agricultural, forest, and other rural lands, including dual use solar projects that ensure ongoing agricultural operations;

(vi) The use of wood products and forest practices that provide low-carbon building materials and renewable fuel supplies; and

(vii) The development of clean manufacturing facilities, such as solar panels, vehicles, and carbon fiber.

(2) (a) The department must complete a report on rural clean energy and resilience that takes into consideration the consultation with rural stakeholders as described in subsection (1) of this section. The report must include recommendations for how policies, projects, and investment programs,

including energy facility siting through the energy facility site evaluation council, can be developed or amended to more equitably distribute costs and benefits to rural communities. The report must include an assessment of how to improve the total benefits to rural areas overall, as well as the equitable distribution of benefits and costs within rural communities.

(b) The report must include a baseline understanding of rural energy production and consumption, and collect data on their economic impacts. Specifically, the report must examine:

(i) Direct, indirect, and induced jobs in construction and operations;

(ii) Financial returns to property owners;

(iii) Effects on local tax revenues and public services, which must include whether any school districts had a net loss of resources from diminished local effort assistance payments required under chapter 28A.500 RCW;

(iv) Effects on other rural land uses, such as agriculture and tourism;

(v) Geographic distribution of large energy projects previously sited or forecast to be sited in Washington; and

(vi) Potential forms of economic development assistance and impact mitigation payments.

(c) The report must include a forecast of what Washington's clean energy transition will require for siting energy projects in rural Washington. The department must gather and analyze the best available information to produce forecast scenarios.

(d) By December 1, 2022, the department must submit an interim report on rural clean energy and resilience to the joint select committee created in section 20 of this act, the energy facility site evaluation council, and the appropriate policy and fiscal committees of the legislature.

(e) By December 1, 2023, the department must submit a final report on rural clean energy and resilience to the joint select committee created in section 20 of this act, the energy facility site evaluation council, and the appropriate policy and fiscal committees of the legislature.

(3) For the purposes of this section, "department" means the department of commerce.

NEW SECTION. Sec. 20. (1) (a) A joint select committee on alternative energy facility siting is established, with members as provided in this subsection:

(i) The president of the senate shall appoint two members from each of the two largest caucuses of the senate and an alternate from each caucus; and

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives and an alternate from each caucus.

(b) The committee shall choose its cochairs from among its legislative leadership. The two cochairs must be from different caucuses.

(c) The committee shall select other officers from among its members as the committee deems appropriate.

(d) Alternates appointed to the committee may vote on any pending committee business in place of an absent member during a committee meeting.

(2) (a) The committee shall review the following issues:

(i) Inequities in where large alternative energy projects, including projects under the jurisdiction of the energy facility site evaluation council, have been sited in Washington;

(ii) Inequities in where large alternative energy projects, including projects under the jurisdiction of the energy facility site evaluation council, are forecast to be sited in Washington; and

(iii) Forms of economic development assistance, mitigation payments, and viewshed impairment payments that counties not hosting their per capita share of alternative energy resources should provide to counties that host more than their per capita share.

(b) In support of its obligations under (a) of this subsection, the committee must review the report produced by the department of commerce under section 19 of this act.

(3) The committee must hold at least four meetings, at least two of which must be in eastern Washington. One cochair shall preside over the meetings in

western Washington and the other cochair shall preside over the meetings in eastern Washington. The first meeting of the committee must occur by September 30, 2022.

(4) The committee must be staffed by senate committee services and the house of representatives office of program research.

(5) Relevant state agencies, departments, and commissions, including the energy facility site evaluation council, shall cooperate with the committee and provide information as the cochairs reasonably request.

(6) Legislative members of the committee must be reimbursed for travel expenses in accordance with RCW 44.04.120.

(7) The expenses of the committee shall be paid jointly by the senate and the house of representatives. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The committee shall report its findings and any recommendations to the energy facility site evaluation council and the committees of the legislature with jurisdiction over environment and energy laws by December 1, 2023. Recommendations of the committee may be made by a simple majority of committee members. In the event that the committee does not reach majority-supported recommendations, the committee may report minority findings supported by at least two members of the committee. Notice of the completion of the findings and recommendations required in this subsection must be published in the Washington State Register by December 1, 2023.

(9) For the purposes of this section, "alternative energy" means energy derived from an alternative energy resource specified in RCW 80.50.020(1).

(10) This section expires June 30, 2024."

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

Representatives Dye and Fitzgibbon spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1095) to striking amendment (1016) was adopted.

Representatives Fitzgibbon and Dye spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (1016), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1812.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1812, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; 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, Donaghy, 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, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft and McCaslin.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1812, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2064, by Representatives Peterson, Simmons, Chopp, Lekanoff and Taylor

Concerning security deposits and damages arising out of residential tenancies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2064 was substituted for House Bill No. 2064 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2064 was read the second time.

Representative Barkis moved the adoption of amendment (909):

On page 7, after line 35, insert the following:

"(6) As used in this section, "collection activity" means attempts to collect any monetary obligation or damages from the tenant, including threats or notice to collect any such amounts through a collection agency or filing of a judicial action, provided that it shall not mean the transmission of an invoice and supporting detail of unpaid rent, unpaid fees or the cost of repairing damages beyond wear resulting from ordinary use of the premises."

On page 7, beginning on line 36, strike all of section 2

Correct the title.

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

Amendment (909) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2064.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2064, 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, Donaghy, 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,

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.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2064, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1659, by Representatives Slatter, Sullivan, Leavitt, Ryu, Morgan, Berry, Ramel, Thai, Wicks, Sells, Johnson, J., Berg, Bateman, Valdez, Chopp, Walen, Fey, Goodman, Gregerson, Taylor, Macri, Simmons, Wylie, Kloba, Pollet, Ormsby, Harris-Talley, Hackney and Frame

Making higher education more affordable and accessible for students by bridging the gap between cost and need to reduce barriers, improve opportunity, and advance economic security.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1659 was substituted for House Bill No. 1659 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1659 was read the second time.

Representative Slatter moved the adoption of amendment (866):

On page 2, line 16, after "out." insert "Since the legislature intends that the grant be provided to the student to assist with basic needs expenses, the legislature recognizes that the student should have a choice in whether the grant is received for those expenses or is applied to a student's account to cover additional institutional costs."

On page 5, after line 19, insert the following:

"(5) The office shall ensure that each institution of higher education provides students with the option to either apply the bridge grant to the student's account or have the bridge grant disbursed to the student."

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

Amendment (866) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1659.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1659, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, 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, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Dye, Graham, Hoff, Klicker, Klippert, Kraft, McCaslin, McEntire, Sutherland, Vick, Volz, Walsh and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1659, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1984, by Representatives Jacobsen and Graham

Protecting privacy of addresses related to vehicle registration certificates.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1984 was substituted for House Bill No. 1984 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1984 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 Jacobsen and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1984.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1984, 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, Donaghy, 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, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1984, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1241, by Representatives Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley and Pollet

Planning under the growth management act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1241 was substituted for House Bill No. 1241 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1241 was read the second time.

Representative Duerr moved the adoption of amendment (910):

On page 6, line 30, after "as of" strike "January" and insert "April"

On page 6, line 37, after "as of" strike "January" and insert "April"

On page 6, line 40, after "after" strike "January" and insert "April"

Representatives Duerr and Goehner spoke in favor of the adoption of the amendment.

Amendment (910) was adopted.

The bill was ordered engrossed.

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

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

Representative Goehner spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1241.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1241, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, 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, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1241, having received the necessary constitutional majority, was declared passed.

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

MOTIONS

There being no objection, the Committee on State Government & Tribal Relations was relieved of SENATE BILL NO. 5787, and the bill was referred to the Committee on Consumer Protection & Business.

There being no objection, the Committee on Education was relieved of SUBSTITUTE SENATE BILL NO. 5581, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Housing, Human Services & Veterans was relieved of SENATE BILL NO. 5713, and the bill was referred to the Committee on Finance.

There being no objection, the House adjourned until 9:00 a.m., February 14, 2022, the 36th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

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