

NINETY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia
Monday, April 10, 2023

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Brigitte Petersen and Mr. Liam Krol, presented the Colors. Page Miss Monica Gupta led the Senate in the Pledge of Allegiance.

The prayer was offered by Senator Rebecca Saldaña, 37th Legislative District, Seattle.

MOTION

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 7, 2023

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1851,
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

MOTION

Senator Saldaña moved adoption of the following resolution:

SENATE RESOLUTION
8641

By Senators Saldaña, Conway, Hasegawa, Kuderer, Torres, and Wagoner

WHEREAS, On October 25, 1913, Larry Itliong was born in San Nicolas, Pangasinan, which was a territory of the United States at that time; and

WHEREAS, At 15 years of age, Larry immigrated to the United States and despite only receiving formal education up to the sixth grade, taught himself about law and soon became involved in political and labor organizing; and

WHEREAS, Larry became a farmworker and worked in canneries and agricultural fields across the country, putting labor organizing lessons into practice; and

WHEREAS, In 1965, Larry Itliong led the "Great Delano Grape Strike" as a means to protest the working conditions of agricultural workers, specifically highlighting their low wages and physically detrimental working environment, a strike that set the stage for a civil rights struggle and a movement to achieve justice for farmworkers; and

WHEREAS, In 1966, Larry Itliong led the Agricultural Workers Organizing Committee, which merged with the National Farm Workers Association led by Cesar Chavez and Dolores Huerta, thereby creating the United Farm Workers Union — a union that organized marches, national consumer boycotts, and fasts, which attracted national headlines, gained labor contracts with higher wages, and improved working conditions for thousands of agricultural workers; and

WHEREAS, In 1970, Larry Itliong founded and became the president of the Filipino American Political Association, the first national political Filipino American organization in the country; and

WHEREAS, Cesar Chavez, Dolores Huerta, Larry Itliong, and the United Farm Workers continue to inspire farmworkers in Washington state to organize and advocate for a more just world;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state Senate recognize and celebrate the historical contributions of individuals like Larry Itliong in our efforts to achieve a more equitable, just, and fair labor and economic system; and

BE IT FURTHER RESOLVED, That the Washington state Senate encourage the people of Washington state to celebrate the countless social, political, economic, and cultural contributions Filipino Americans have established in Washington state and across the country.

Senator Saldaña spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8641.

The motion by Senator Saldaña carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced The Honorable Sofia Aragon, Mayor, City of Burien, and representatives of the Filipina, Latina, labor and farmworker communities who were seated in the gallery.

MOTION

At 10:14 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus immediately following the meeting of the Committee on Rules.

Senator Short announced a meeting of the Republican Caucus immediately following the meeting of the Committee on Rules.

The Senate was called to order at 1:38 p.m. by the President of the Senate, Lt. Governor Heck presiding.

MOTION

On motion of Senator Pedersen, the Senate reverted to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

NINETY SECOND DAY, APRIL 10, 2023

MOTION

Senator Lias moved that Nicole M. Grant, Senate Gubernatorial Appointment No. 9277, be confirmed as a member of the Transportation Commission.

Senator Lias spoke in favor of the motion.

APPOINTMENT OF NICOLE M. GRANT

The President declared the question before the Senate to be the confirmation of Nicole M. Grant, Senate Gubernatorial Appointment No. 9277, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Nicole M. Grant, Senate Gubernatorial Appointment No. 9277, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Rolfes

Nicole M. Grant, Senate Gubernatorial Appointment No. 9277, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Stanford moved that Eileen Sullivan, Senate Gubernatorial Appointment No. 9280, be confirmed as a member of the Lottery Commission.

Senator Stanford spoke in favor of the motion.

APPOINTMENT OF EILEEN SULLIVAN

The President declared the question before the Senate to be the confirmation of Eileen Sullivan, Senate Gubernatorial Appointment No. 9280, as a member of the Lottery Commission.

The Secretary called the roll on the confirmation of Eileen Sullivan, Senate Gubernatorial Appointment No. 9280, as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Eileen Sullivan, Senate Gubernatorial Appointment No. 9280, having received the constitutional majority was declared

confirmed as a member of the Lottery Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rolfes moved that Matthew V. Randazzo, Senate Gubernatorial Appointment No. 9332, be confirmed as a member of the Board of Tax Appeals.

Senator Rolfes spoke in favor of the motion.

APPOINTMENT OF MATTHEW V. RANDAZZO

The President declared the question before the Senate to be the confirmation of Matthew V. Randazzo, Senate Gubernatorial Appointment No. 9332, as a member of the Board of Tax Appeals.

The Secretary called the roll on the confirmation of Matthew V. Randazzo, Senate Gubernatorial Appointment No. 9332, as a member of the Board of Tax Appeals and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Matthew V. Randazzo, Senate Gubernatorial Appointment No. 9332, having received the constitutional majority was declared confirmed as a member of the Board of Tax Appeals.

MOTION

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1046, by Representatives Walen, Leavitt, Ryu, Bateman, Peterson, Doglio, Reeves, Wylie, Bergquist, Springer, Kloba, Santos and Ormsby

Expanding housing supply by supporting the ability of public housing authorities to finance affordable housing developments by rebenchmarking area median income limits.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1046.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1046 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from Blaine Middle School who were seated in the gallery, guests of Senator Shewmake.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1074, by House Committee on Housing (originally sponsored by Thai, Macri, Simmons, Ryu, Ramel, Peterson, Lekanoff, Alvarado, Pollet, Cortes, Gregerson, Kloba, Davis and Ormsby)

Addressing documentation and processes governing landlords' claims for damage to residential premises.

The measure was read the second time.

MOTION

Senator Gildon moved that the following amendment no. 0389 by Senator Gildon be adopted:

On page 9, line 2, after "premises" insert "by all tenants and any remaining occupants that the landlord is required to notify under RCW 59.18.650(3)"

Senators Gildon, Wagoner and Fortunato spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0389 by Senator Gildon on page 9, line 2 to Substitute House Bill No. 1074.

The motion by Senator Gildon did not carry and amendment no. 0389 was not adopted by voice vote.

MOTION

Senator Mullet moved that the following amendment no. 0380 by Senator Mullet be adopted:

On page 10, line 36, after "documentation" insert "equivalent to that required in subsection (1) of this section"

Senators Mullet and Kuderer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0380 by Senator Mullet on page 10,

line 36 to Substitute House Bill No. 1074.

The motion by Senator Mullet carried and amendment no. 0380 was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 1074 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

Senators Fortunato and Gildon spoke against passage of the bill.

MOTION

On motion of Senator Dozier, Senator Wagoner was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1074 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1074 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Wagoner

SUBSTITUTE HOUSE BILL NO. 1074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1771, by Representatives Donaghy, Gregerson, Ramel, Morgan, Fosse, Reed, Ormsby, Doglio, Peterson and Pollet

Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks.

The measure was read the second time.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Housing be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 59.21.010 and 2019 c 390 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

NINETY SECOND DAY, APRIL 10, 2023

(1) "Assignee" means an individual or entity who has agreed to advance allowable relocation assistance expenses in exchange for the assignment and transfer of a right to reimbursement from the fund.

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

(3) "Director" means the director of the department of commerce.

(4) "Fund" means the manufactured/mobile home park relocation fund established under RCW 59.21.050.

(5) "Landlord" or "park-owner" means the owner of the manufactured/mobile home park that is being closed at the time relocation assistance is provided.

(6) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than ~~((eighty))~~ 80 percent of the median family income, adjusted for household size, for the county where the manufactured/mobile home is located.

(7) "Manufactured/mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more manufactured/mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(8) "Relocate" means to do one of the following:

(a) Remove a manufactured/mobile home from a manufactured/mobile home park being closed and reinstall it in another location; ~~((or))~~

(b) Remove a manufactured/mobile home from a manufactured/mobile home park being closed and demolish and dispose of it and secure other housing; or

(c) Remove a manufactured/mobile home from a manufactured/mobile home park being closed by selling or gifting the home to a third party and secure other housing.

(9) "Relocation assistance" means the monetary assistance provided under this chapter, including reimbursement for the costs of relocation as well as cash assistance provided to allow the tenant to secure new housing.

(10) "Tenant" means a person that owns a manufactured/mobile home located on a rented lot in a manufactured/mobile home park.

(11) "Third party" means a person or persons who purchase or are gifted a tenant's home, with the condition they are responsible for removing the home on or prior to the park closure date and relocate the home under subsection (8)(a) or (b) of this section. The third party is not entitled to relocation assistance related to relocation of the purchased or gifted home.

Sec. 2. RCW 59.21.021 and 2021 c 28 s 2 are each amended to read as follows:

(1) If a manufactured/mobile home park is, or is scheduled to be ~~((to))~~, closed or converted to another use, eligible tenants shall be entitled to relocation assistance on a first-come, first-serve basis. The department shall give priority for distribution of relocation assistance to eligible tenants residing in parks that are closed as a result of park-owner fraud or as a result of health and safety concerns as determined by the local board of health. Payments shall be made upon the department's verification of eligibility, subject to the availability of remaining funds.

(2) Eligibility for relocation assistance funds is limited to low-income households in manufactured/mobile home parks that are, or are scheduled to be, closed or converted to another use.

(3) Eligible tenants are entitled to financial assistance from the fund, up to a maximum of \$17,000 for a multisection home and up to a maximum of \$11,000 for a single-section home. The department shall distribute relocation assistance for each eligible tenant as follows:

(a) \$12,000 for a multisection home and \$8,000 for a single-section home shall be disbursed in the form of cash assistance to help the tenant relocate the home or secure alternative housing; and

(b) The remainder of the total assistance shall be disbursed once the tenant has transferred the title to the park-owner, relocated the home, or demolished and disposed of the home. The tenant must either transfer title of the manufactured/mobile home to the park-owner, relocate, or demolish and dispose of the home ~~((within 90 days of receiving the assistance under (a) of this subsection))~~ by the park closure date to receive the remainder of the assistance. A tenant who removes the tenant's home on or before the park closure date and reinstalls the home in another location within 12 months after the closure date is eligible to receive the remainder of the assistance.

(4) In the event that the tenant does not relocate or demolish and dispose of the home ~~((within 90 days of receiving assistance from the fund))~~ by the park closure date, the park-owner may seek reimbursement from the fund in the amount of \$4,000 for a multisection home and \$2,500 for a single-section home.

(a) To receive such reimbursement, the park-owner must provide documentation to the department demonstrating costs incurred for demolition and disposal of the home.

(b) The park-owner may seek reimbursement for additional costs incurred for demolition and disposal of the home up to an additional \$4,500 for a multisection home and \$3,000 for a single-section home from the portion of the relocation fund to which park-owners must contribute pursuant to RCW 59.30.050.

(5) Any individual or organization may apply to receive relocation assistance from the fund, for use in combination with funds from public or private sources, toward relocation of tenants eligible under this section, with agreement from the tenant.

(6) The legislature intends the cash assistance provided under subsection (3) of this section to be considered a one-time direct grant payment that shall be excluded from household income calculations for purposes of determining the eligibility of the recipient for benefits or assistance under any state program financed in whole or in part with state funds.

Sec. 3. RCW 59.21.040 and 1998 c 124 s 4 are each amended to read as follows:

A tenant is not entitled to relocation assistance under this chapter if: (1) The tenant has given notice to the landlord of his or her intent to vacate the park and terminate the tenancy before any written notice of closure pursuant to RCW 59.20.080(1)(e) has been given; (2) the tenant purchased a mobile home already situated in the park or moved a mobile home into the park after a written notice of closure pursuant to RCW 59.20.090 has been given and the person received actual prior notice of the change or closure; or (3) the tenant receives assistance from an outside source that exceeds the maximum amounts of assistance to which a person is entitled under RCW 59.21.021(3), except that a tenant receiving relocation assistance from a landlord pursuant to RCW 59.20.080 remains eligible for the maximum amounts of assistance under this chapter. However, no tenant may be denied relocation assistance under subsection (1) of this section if the tenant has remained on the premises and continued paying rent for a period of at least six months after giving notice of intent to vacate and before receiving formal notice of a closure or change of use."

On page 1, line 2 of the title, after "parks;" strike the remainder of the title and insert "and amending RCW 59.21.010, 59.21.021, and 59.21.040."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee

on Housing to House Bill No. 1771.

The motion by Senator Kuderer carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1771 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1771.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1771 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Wagoner

HOUSE BILL NO. 1771, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1013, by House Committee on Appropriations (originally sponsored by Maycumber, Santos, Ybarra, Stonier, Dent, Goodman, Tharinger, Riccelli, Lekanoff, Rude, Walen, Robertson, Mosbrucker, Berry, Stokesbary, Fey, Harris, McClintock, Bronoske, Waters, Duerr, Hackney, Klicker, Kretz, Couture, Barnard, Walsh, Chapman, Griffey, Chopp, Leavitt, Ryu, Low, Barkis, Simmons, Schmidt, Sandlin, Bateman, Reed, Graham, Christian, Timmons, Pollet, Street, Rule, Connors, Cortes, Callan, Doglio, Orwall, Caldier, Reeves, Wylie, Bergquist, Thai, Kloba, Cheney and Ormsby)

Establishing regional apprenticeship programs.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Hawkins and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1013.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1013 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE HOUSE BILL NO. 1013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1009, by House Committee on Appropriations (originally sponsored by Leavitt, Barkis, Ryu, Paul, Donaghy, Slatter, Simmons, Low, Volz, Schmidt, Christian, Lekanoff, Griffey, Doglio, Robertson, Orwall, Caldier, Reeves, Bronoske, Bergquist, Shavers, Riccelli and Ormsby)

Concerning military spouse employment.

The measure was read the second time.

MOTION

Senator Conway moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** This act may be known and cited as the military spouse employment act.

NEW SECTION. **Sec. 2.** The legislature finds that the lives of military spouses are dominated by frequent deployments and relocations, and one-third of military families move each year. Many military families depend on two incomes, and military spouses tend to be better educated than the civilian population, with approximately 34 to 50 percent working in fields that require a professional license. The length of time to credential after a move is a significant employment barrier, with one study finding 20 percent of military spouses waited at least 10 months for a license after moving to a new state. This wait contributes to higher rates of unemployment or underemployment for military spouses when compared to their civilian counterparts. Given the fiscal and economic constraints of military families and the readiness considerations of the department of defense, the legislature intends to help alleviate the career turmoil military spouses face while serving in our state.

NEW SECTION. **Sec. 3.** A new section is added to chapter 18.340 RCW to read as follows:

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

(1) "Authority" means any agency, board, commission, or other authority for issuance of a license, certificate, registration, or permit under this title. "Authority" does not include the department of labor and industries, or the department of financial institutions with respect to escrow agent licensure under chapter 18.44 RCW.

NINETY SECOND DAY, APRIL 10, 2023

(2) "License" means a license, certificate, registration, or permit to perform professional services.

Sec. 4. RCW 18.340.020 and 2011 2nd sp.s. c 5 s 2 are each amended to read as follows:

(1) ~~((For the purposes of this section, "authority" means any board, commission, or other authority for issuance of a license, certificate, registration, or permit under this title.~~

~~(2) To the extent resources are available:))~~

(a) Each authority shall establish procedures to expedite the issuance of a license ~~((, certificate, registration, or permit to perform professional services))~~ regulated by each such authority to a person:

(i) Who is ~~((certified or))~~ licensed, certified, or registered, or has a permit in another state to perform professional services in that state; and

(ii) Whose spouse is the subject of a military transfer to Washington ~~((, and~~

~~((iii) Who left employment in the other state to accompany the person's spouse to Washington)).~~

(b) The procedure must include a process for issuing the person a license ~~((, certificate, registration, or permit, if, in the opinion of the authority, the requirements for licensure, certification, registration, or obtaining a permit of such other state are substantially equivalent to that required in Washington))~~ within 30 days of receiving a completed application. A completed application means that the authority has received all supporting materials, related application fees, fingerprints, and required documentation associated with a criminal background check.

~~((e))~~ (2) Each authority in this title shall develop a method and adopt rules to authorize a person who meets the criteria in ((a)(i) through (iii) of) this ((subsection)) section to perform services regulated by the authority in Washington by issuing the person a temporary license ~~((, certificate, registration, or permit))~~ within 30 days of receiving a completed application. A completed application means that the authority has received a copy of the certificate issued by the other state for a certificated education professional, related application fees, fingerprints, and required documentation associated with a criminal background check. The license may be issued for a limited period of time of no less than 180 days to allow the person to perform services regulated by the authority while completing any specific additional requirements in Washington that are not related to training or practice standards of the profession that were not required in the other state in which the person is licensed, certified, or registered, or has a permit.

(3) Nothing in this section requires the authority to issue a ((temporary)) license ~~((, certificate, registration, or permit))~~ if the standards of the other state are substantially unequal to Washington standards.

~~((d))~~ (4) An applicant must state in the application that ((he or she)) the applicant:

~~((f))~~ (a) Has requested verification from the other state or states that the person is currently licensed, certified, registered, or has a permit; and

~~((g))~~ (b) Is not subject to any pending investigation, charges, or disciplinary action by the regulatory body of the other state or states.

~~((e))~~ (5) If the authority finds reasonable cause to believe that an applicant falsely affirmed or stated either of the requirements under ((d)(i) or (ii) of this) subsection (4)(a) or (b) of this section, the authority may summarily suspend the license ~~((, certificate, registration, or permit))~~ pending an investigation or further action to discipline or revoke the license ~~((, certificate, registration, or permit)).~~

NEW SECTION. Sec. 5. A new section is added to chapter 18.340 RCW to read as follows:

(1) Each authority must identify a contact or coordinator within the authority to assist military spouse applicants and licensees.

(2) Each authority must provide training to each board or commission member on the culture of military spouses, the military spouse experience, and issues related to military spouse career paths. Board or commission members appointed on or before October 1, 2023, must complete the training by January 1, 2024. Board or commission members appointed after October 1, 2023, must complete the training within 90 days after appointment. The department of veterans affairs shall create an internet-based training that may be used by each authority to satisfy this requirement.

(3) Each authority is encouraged to:

(a) Appoint a military spouse to serve on its licensing board or commission;

(b) Conduct a review of the authority's licensing application process for military spouses and identify barriers to military spouse employment; and

(c) Review licensing fees and related expenses and identify possible ways to reduce costs for military spouses.

NEW SECTION. Sec. 6. A new section is added to chapter 18.340 RCW to read as follows:

(1) The employment security department, the department of health, the department of licensing, and the department of veterans affairs shall each maintain a military spouse assistance web page containing, at a minimum:

(a) Each authority's rules and procedures, including any required fees, related to the licensing of military spouses;

(b) Contact information for each authority's military spouse contact or coordinator; and

(c) Links to the military spouse assistance web pages of other agencies.

(2) A direct link to the agency's military spouse assistance web page must be displayed on the agency's home page.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.410 RCW to read as follows:

The agency responsible for educator certification shall, as set forth in chapter 18.340 RCW:

(1) Adopt rules for expedited professional certification for military spouses;

(2) Identify a contact or coordinator to assist military spouse applicants and licensees;

(3) Provide training to each board member on the culture of military spouses, the military spouse experience, and issues related to military spouse career paths; and

(4) Maintain a military spouse assistance web page.

NEW SECTION. Sec. 8. A new section is added to chapter 43.60A RCW to read as follows:

(1) The department, the employment security department, and the department of commerce shall consult local chambers of commerce, associate development organizations, and businesses to initiate a demonstration campaign to increase military spouse employment. This campaign may include partnerships with chambers of commerce that result in business owners sharing, with the local chamber of commerce, information on the number of military spouses employed and the local chambers of commerce providing this information to the department.

(2) Participants in the campaign are encouraged to work with the Washington state military transition council and county veterans' advisory boards under RCW 73.08.035.

(3) Funding for the campaign shall be established from existing resources.

(4) For the purposes of this section, "military spouse" means any person married or previously married to a military service member, irrespective of the length of the marriage, during the

military service member's service in any branch of the United States armed forces as an active duty service member, reservist, or national guard member.

NEW SECTION. Sec. 9. A new section is added to chapter 38.42 RCW to read as follows:

(1) The spouse of a service member may terminate an employment contract without penalty at any time after the service member receives military service orders for a permanent change of station if:

(a) The spouse provides written notice, including email, to the employer of the termination under this section; and

(b) The spouse provides written proof to the employer of the official orders showing that the service member has received military orders for a permanent change of station.

(2) Termination of an employment contract under this section is effective on the day notice is given under subsection (1) of this section or on a date mutually agreed to by the parties to the employment contract.

(3) An employer may not impose any penalty for termination of an employment contract under this section.

(4) For purposes of this section:

(a) "Employment contract" means a contract that establishes the terms of employment or other professional relationship with the spouse of a service member. "Employment contract" does not include an independent contractor agreement.

(b) "Penalty" means any fee or cost or liability for breach of contract or any other adverse consequence imposed by the employer. "Penalty" does not include any requirements established by state or federal law.

(5) This section applies prospectively only and not retroactively. It applies only to employment contracts entered into on or after the effective date of this section.

(6) Nothing in this section shall be construed as altering the terms, conditions, or practices contained in any collective bargaining agreement in effect on the effective date of this section until the expiration date of such agreement.

Sec. 10. RCW 73.04.150 and 2017 c 184 s 1 are each amended to read as follows:

(1) There is hereby created a joint committee on veterans' and military affairs. The committee shall consist of: (a) Eight members of the senate appointed by the president of the senate, four of whom shall be members of the majority party and four of whom shall be members of the minority party; and (b) eight members of the house of representatives appointed by the speaker, four of whom shall be members of the majority party and four of whom shall be members of the minority party. Members of the committee shall be appointed before the close of the 2005 legislative session, and before the close of each regular session during an odd-numbered year thereafter.

(2) Each member's term of office shall run from the close of the session in which he or she was appointed until the close of the next regular session held in an odd-numbered year. If a successor is not appointed during a session, the member's term shall continue until the member is reappointed or a successor is appointed. The term of office for a committee member who does not continue as a member of the senate or house of representatives shall cease upon the convening of the next session of the legislature during an odd-numbered year after the member's appointment, or upon the member's resignation, whichever is earlier. Vacancies on the committee shall be filled by appointment in the same manner as described in subsection (1) of this section. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

(3) The committee shall establish an executive committee of four members, two of whom are members of the senate and two

of whom are members of the house of representatives. The executive committee shall appoint one cochair from the two executive committee members who are senators and one cochair from the two executive committee members who are representatives. The two cochairs shall be from different political parties and their terms of office shall run from the close of the session in which they are appointed until the close of the next regular session in an odd-numbered year. The executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the joint committee, as well as other duties delegated to it by the joint committee.

(4) The joint committee on veterans' and military affairs has the following powers and duties:

(a) To study veterans' issues, active military forces issues, and national guard and reserve component issues, and make recommendations to the legislature; and

(b) To study structure and administration of the department of veterans affairs and the military department, and make recommendations to the legislature.

(5) The joint committee shall adopt rules and procedures for its orderly operation. The joint committee may create subcommittees to perform duties under this section.

(6) The regulating authorities for the department of licensing (~~and~~), the department of health, and the professional educator standards board shall file reports to the legislature (~~biennially and the Washington state military transition council~~) annually beginning January 1, (~~2018~~) 2024, and appear annually before the joint committee on veterans' and military affairs, to provide updates on progress in their efforts to implement the requirements of chapter 18.340 RCW, chapter 32, Laws of 2011, (~~and~~) chapter 351, Laws of 2011 (~~By January 1, 2018, the department of labor and industries and the professional educator standards board must each submit a report to the legislature, including an assessment on how its licensing, certification, and apprenticeship programs apply training and experience acquired by military members and their spouses outside of Washington, and recommendations about whether such programs should be included in the reporting schedule within this subsection~~), and section 6 of this act.

NEW SECTION. Sec. 11. Section 4 of this act takes effect October 1, 2023."

On page 1, line 1 of the title, after "employment;" strike the remainder of the title and insert "amending RCW 18.340.020 and 73.04.150; adding new sections to chapter 18.340 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 43.60A RCW; adding a new section to chapter 38.42 RCW; creating new sections; and providing an effective date."

Senator Conway spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1009.

The motion by Senator Conway carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Conway, the rules were suspended, Second Substitute House Bill No. 1009 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and King spoke in favor of passage of the bill.

NINETY SECOND DAY, APRIL 10, 2023

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1009 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1009 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE HOUSE BILL NO. 1009, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1804, by House Committee on Appropriations (originally sponsored by Steele)

Concerning eligibility for participation in the public employees' benefits board for retired or disabled employees of counties, municipalities, and other political subdivisions.

The measure was read the second time.

MOTION

Senator Rolfes moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.05.080 and 2018 c 260 s 15 are each amended to read as follows:

(1) Under the qualifications, terms, conditions, and benefits set by the public employees' benefits board:

(a)(i) Retired or disabled state employees, retired or disabled school employees, retired or disabled employees of (~~county, municipal, or other political subdivisions, or retired or disabled employees of tribal governments~~) employer groups covered by this chapter may continue their participation in insurance plans and contracts after retirement or disablement.

(ii) The retired or disabled employees of employer groups whose contractual agreement with the authority terminates may continue their participation in insurance plans and contracts after the contractual agreement is terminated. The retired or disabled employees of employer groups whose contractual agreement with the authority terminates are not eligible for any subsidy provided under RCW 41.05.085;

(b) Separated employees may continue their participation in insurance plans and contracts if participation is selected immediately upon separation from employment;

(c) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty may participate in insurance plans and

contracts.

(2) Rates charged surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or dependent children who are not eligible for parts A and B of medicare shall be based on the experience of the community-rated risk pool established under RCW 41.05.022.

(3) Rates charged to surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or children who are eligible for parts A and B of medicare shall be calculated from a separate experience risk pool comprised only of individuals eligible for parts A and B of medicare; however, the premiums charged to medicare-eligible retirees and disabled employees shall be reduced by the amount of the subsidy provided under RCW 41.05.085, except as provided in subsection (1)(a)(ii) of this section.

(4) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty and retired or disabled and separated employees shall be responsible for payment of premium rates developed by the authority which shall include the cost to the authority of providing insurance coverage including any amounts necessary for reserves and administration in accordance with this chapter. These self pay rates will be established based on a separate rate for the employee, the spouse, state registered domestic partners, and the children.

(5) The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) Employer groups that enter into a contractual agreement with the authority after the effective date of this section and whose contractual agreement with the authority is subsequently terminated, shall make a one-time payment as calculated in subsection (2) of this section to the authority for each of the employer group's retired or disabled employees who continue their participation in insurance plans and contracts under RCW 41.05.080(1)(a)(ii).

(2) For each of the employer group's retired or disabled employees who will be continuing their participation, the authority shall determine the one-time payment amount by calculating the difference in cost between the rate charged to retired or disabled employees under RCW 41.05.080(2) and the actuarially determined value of the medical benefits for retired and disabled employees who are not eligible for parts A and B of medicare, and then multiplying that difference by the number of months until the retired or disabled employee would become eligible for medicare.

(3) Employer groups shall not be entitled to any refund of the amount paid to the authority under this section.

NEW SECTION. Sec. 3. A new section is added to chapter 41.05 RCW to read as follows:

Any retired or disabled employee whose participation in insurance plans or contracts under RCW 41.05.080(1)(a)(i) ended due to the termination of the contractual agreement between the authority and an employer group on or before January 1, 2023, must be allowed to return and participate in insurance plans and contracts as described in RCW 41.05.080(1)(a)(ii) so long as the retired or disabled employee notifies the health care authority in writing by December 31, 2023, after which participation will begin on the first day of the month following the date the authority receives the retired or disabled employee's written notice.

NEW SECTION. Sec. 4. 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."

On page 1, line 3 of the title, after "subdivisions;" strike the remainder of the title and insert "amending RCW 41.05.080; adding new sections to chapter 41.05 RCW; and declaring an emergency."

Senator Rolfes spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1804.

The motion by Senator Rolfes carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute House Bill No. 1804 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1804 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1804 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1804, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1204, by House Committee on Appropriations (originally sponsored by Callan, Eslick, Leavitt, Bateman, Kloba, Reed, Simmons, Doglio, Goodman, Ortiz-Self, McEntire, Davis and Pollet)

Implementing the family connections program.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Second Substitute House Bill No. 1204 was advanced to third reading, the second reading considered the third and the bill was

placed on final passage.

Senators Kauffman and Boehnke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1204.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1204 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE HOUSE BILL NO. 1204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, by House Committee on Environment & Energy (originally sponsored by Mena, Alvarado, Berry, Duerr, Leavitt, Morgan, Ramel, Ryu, Senn, Simmons, Timmons, Kloba, Bateman, Slatter, Orwall, Reed, Lekanoff, Gregerson, Doglio, Tharinger, Cortes, Donaghy, Pollet, Callan, Fosse, Macri, Davis and Stonier)

Preventing utility shutoffs for nonpayment during extreme heat.

The measure was read the second time.

MOTION

Senator MacEwen moved that the following striking amendment no. 0396 by Senator MacEwen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 23.86 RCW to read as follows:

(1) As used in this section, any locally regulated utility as defined in RCW 23.86.400 may not effect, due to lack of payment, an involuntary termination of electric utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located.

(2)(a) A residential user at whose dwelling electric utility service has been disconnected for lack of payment may request that the locally regulated utility reconnect service on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located. The locally regulated utility shall inform all customers in the notice of disconnection of the ability to seek

NINETY SECOND DAY, APRIL 10, 2023

reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the locally regulated utility shall promptly make a reasonable attempt to reconnect service to the dwelling. The locally regulated utility, in connection with a request made pursuant to (a) of this subsection, shall provide the residential user with information regarding the availability of bill assistance, options for payment plans, and other financial resources from community action agencies, the utility, or other sources to assist the residential customer with payment of utility bills. If a utility requires a payment plan, customer income verification shall be by self-attestation or through a community action agency.

(3) On an annual basis, each locally regulated utility with more than 25,000 retail electric customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta). Locally regulated utilities with fewer than 25,000 retail electric customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each locally regulated utility must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

NEW SECTION. Sec. 2. A new section is added to chapter 24.06 RCW to read as follows:

(1) As used in this section, any locally regulated utility as defined in RCW 24.06.600 may not effect, due to lack of payment, an involuntary termination of electric utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located.

(2)(a) A residential user at whose dwelling electric utility service has been disconnected for lack of payment may request that the locally regulated utility reconnect service on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located. The locally regulated utility shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the locally regulated utility shall promptly make a reasonable attempt to reconnect service to the dwelling. The locally regulated utility, in connection with a request made pursuant to (a) of this subsection, shall provide the residential user with information regarding the availability of bill assistance, options for payment plans, and other financial resources from community action agencies, the utility, or other sources to assist the residential customer with payment of utility bills. If a utility requires a payment plan, customer income verification shall be by self-attestation or through a community action agency.

(3) On an annual basis, each locally regulated utility with more than 25,000 retail electric customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issues a publicly available notice that the

heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta). Locally regulated utilities with fewer than 25,000 retail electric customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each locally regulated utility must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

NEW SECTION. Sec. 3. A new section is added to chapter 35.21 RCW to read as follows:

(1) A city or town, including a code city, that owns or operates an electric or water utility may not effect, due to lack of payment, an involuntary termination of utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located.

(2)(a) A residential user at whose dwelling utility service has been disconnected for lack of payment may request that the utility reconnect service on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located. The utility shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the utility shall promptly make a reasonable attempt to reconnect service to the dwelling. The utility, in connection with a request made pursuant to (a) of this subsection, shall provide the residential user with information regarding the availability of bill assistance, options for payment plans, and other financial resources from community action agencies, the utility, or other sources to assist the residential customer with payment of utility bills. If a utility requires a payment plan, customer income verification shall be by self-attestation or through a community action agency.

(3) On an annual basis, each city or town, including a code city, that owns or operates an electric or water utility with more than 25,000 retail electric customers or 2,500 water customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta). Utilities with fewer than 25,000 retail electric customers or 2,500 water customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each utility must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

Sec. 4. RCW 54.16.285 and 1995 c 399 s 144 are each amended to read as follows:

(1) A district providing utility service for residential space heating shall not terminate such utility service between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill (~~including a security deposit~~). This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the

utility within five business days and service is terminated, the customer can, by ~~((paying reconnection charges, if any, and))~~ fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior ~~((twelve))~~ 12 months to a grantee of the department of ~~((community, trade, and economic development))~~ commerce which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if ~~((he or she moves. (2))~~ the customer moves.

(2) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program except on the days indicated in subsection (5) of this section. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying ~~((reconnection charges, if any, and by paying))~~ all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(3) All districts providing utility service for residential space heating shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(5) A district providing electric or water utility service to residential customers may not effect, due to lack of payment, an involuntary termination of utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located.

(6)(a) A residential user at whose dwelling utility service has been disconnected for lack of payment may request that the district reconnect service on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located. The district shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the district.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the district shall promptly make a reasonable attempt to reconnect service to the dwelling. The district, in connection with a request made pursuant to (a) of this subsection, shall provide the residential user with information regarding the availability of bill assistance, options for payment plans, and other financial resources from community action agencies, the district, or other sources to assist the residential customer with payment of utility bills. If a district requires a payment plan, customer income verification shall be by self-attestation or through a community action agency.

(7) On an annual basis, each district with more than 25,000 retail electric customers or 2,500 water customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta). Districts with fewer than 25,000 retail electric customers or 2,500 water customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each district must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

Sec. 5. RCW 57.08.081 and 2003 c 394 s 6 are each amended to read as follows:

(1) Subject to RCW 57.08.005~~((6))~~ (7), the commissioners of any district shall provide for revenues by fixing rates and charges for furnishing sewer and drainage service and facilities to those to whom service is available or for providing water, such rates and charges to be fixed as deemed necessary by the commissioners, so that uniform charges will be made for the same

NINETY SECOND DAY, APRIL 10, 2023

class of customer or service and facility. Rates and charges may be combined for the furnishing of more than one type of sewer or drainage service and facilities.

(2) In classifying customers of such water, sewer, or drainage system, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost to various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the service and facility furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Rates shall be established as deemed proper by the commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system. Prior to furnishing services, a district may require a deposit to guarantee payment for services. However, failure to require a deposit does not affect the validity of any lien authorized by this section.

(3) The commissioners shall enforce collection of connection charges, and rates and charges for water supplied against property owners connecting with the system or receiving such water, and for sewer and drainage services charged against property to which and its owners to whom the service is available, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either connection charges or rates and charges for services supplied are delinquent for any specified period of time, the district shall certify the delinquencies to the auditor of the county in which the real property is located, and the charges and any penalties added thereto and interest thereon at the rate of not more than the prime lending rate of the district's bank plus four percentage points per year shall be a lien against the property upon which the service was received, subject only to the lien for general taxes.

(4) The district may, at any time after the connection charges or rates and charges for services supplied or available and penalties are delinquent for a period of ~~((sixty))~~ 60 days, bring suit in foreclosure by civil action in the superior court of the county in which the real property is located. The court may allow, in addition to the costs and disbursements provided by statute, attorneys' fees, title search and report costs, and expenses as it adjudges reasonable. The action shall be in rem, and may be brought in the name of the district against an individual or against all of those who are delinquent in one action. The laws and rules of the court shall control as in other civil actions.

(5) In addition to the right to foreclose provided in this section, the district may also cut off all or part of the service after charges for water or sewer service supplied or available are delinquent for a period of ~~((thirty))~~ 30 days, except on the days indicated in subsection (8) of this section.

(6) A district may determine how to apply partial payments on past due accounts.

(7) A district may provide a real property owner or the owner's designee with duplicate bills for service to tenants, or may notify an owner or the owner's designee that a tenant's service account is delinquent. However, if an owner or the owner's designee notifies the district in writing that a property served by the district

is a rental property, asks to be notified of a tenant's delinquency, and has provided, in writing, a complete and accurate mailing address, the district shall notify the owner or the owner's designee of a tenant's delinquency at the same time and in the same manner the district notifies the tenant of the tenant's delinquency or by mail. When a district provides a real property owner or the owner's designee with duplicates of tenant utility service bills or notice that a tenant's utility account is delinquent, the district shall notify the tenant that it is providing the duplicate bills or delinquency notice to the owner or the owner's designee. After January 1, 1999, if a district fails to notify the owner of a tenant's delinquency after receiving a written request to do so and after receiving the other information required by this subsection (7), the district shall have no lien against the premises for the tenant's delinquent and unpaid charges.

(8) A district providing water utility service to residential customers may not effect, due to lack of payment, an involuntary termination of utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located.

(9)(a) A residential user at whose dwelling utility service has been disconnected for lack of payment may request that the district reconnect service on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located. The district shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the district.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the district shall promptly make a reasonable attempt to reconnect service to the dwelling. The district, in connection with a request made pursuant to (a) of this subsection, shall provide the residential user with information regarding the availability of bill assistance, options for payment plans, and other financial resources from community action agencies, the district, or other sources to assist the residential customer with payment of utility bills. If a district requires a payment plan, customer income verification shall be by self-attestation or through a community action agency.

(10) On an annual basis, each district with more than 25,000 retail electric customers or 2,500 water customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta). Districts with fewer than 2,500 water customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each district must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

Sec. 6. RCW 80.28.010 and 2011 c 214 s 11 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company, wastewater company, or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair,

reasonable and sufficient. Reasonable charges necessary to cover the cost of administering the collection of voluntary donations for the purposes of supporting the development and implementation of evergreen community management plans and ordinances under RCW 80.28.300 must be deemed as prudent and necessary for the operation of a utility.

(2) Every gas company, electrical company, wastewater company, and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company, wastewater company, or water company, affecting or pertaining to the sale or distribution of its product or service, must be just and reasonable.

(4) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill (~~(including a security deposit)~~). This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by ~~((paying reconnection charges, if any, and))~~ fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of commerce, which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15th and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer is not eligible for protections under this chapter until the past due bill is paid. The plan may not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if ~~((he or she moves. (5)))~~ the customer moves.

(5) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this

section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program except on the days indicated in subsection (8) of this section. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying ~~((reconnection charges, if any, and by paying))~~ all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(6) A payment plan implemented under this section is consistent with RCW 80.28.080.

(7) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(8)(a) Every electrical company and water company must have and must abide by the terms of a tariff approved by the commission that prohibits the electrical company or water company from effecting, due to lack of payment, an involuntary termination of electric or water utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located.

(b) Nothing in this subsection (8) limits the authority of the commission to prohibit an electrical company or water company from terminating electric or water utility service in accordance with an approved tariff, rule, or order, in circumstances independent of the weather.

(9)(a) A residential user at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the utility reconnect service on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located. The utility shall, through a process approved by the commission, inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the utility shall promptly make a reasonable attempt to reconnect service to the dwelling. The utility, in connection with a request made pursuant to (a) of this subsection, shall provide the residential user with information regarding the availability of bill assistance, options for payment plans, and other financial resources from community action agencies, the utility, or other sources to assist the residential customer with payment of utility bills. If a utility requires a payment plan,

NINETY SECOND DAY, APRIL 10, 2023

customer income verification shall be by self-attestation or through a community action agency.

(10) Every gas company, electrical company, wastewater company, and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product, or provision of its services, as will be efficient and safe to its employees and the public.

~~((9))~~ (11) An agreement between the customer and the utility, whether oral or written, does not waive the protections afforded under this chapter.

~~((40))~~ (12) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

(13) On an annual basis, each utility must submit a report to the commission that includes the total number of electric or water disconnections that occurred on each day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta).

Sec. 7. RCW 87.03.015 and 2017 c 63 s 1 are each amended to read as follows:

(1) Any irrigation district, operating and maintaining an irrigation system, in addition to other powers conferred by law, shall have authority:

~~((4))~~ (a) To purchase and sell electric power to the inhabitants of the irrigation district for the purposes of irrigation and domestic use; to finance, acquire, construct, own, and lease dams, canals, plants, transmission lines, and other power equipment and the necessary property and rights therefor and to operate, improve, repair, and maintain the same, for the generation and transmission of electrical energy for use in the operation of pumping plants and irrigation systems of the district and for sale to the inhabitants of the irrigation district for the purposes of irrigation and domestic use; and, as a further and separate grant of authority and in furtherance of a state purpose and policy of developing hydroelectric capability in connection with irrigation facilities, to construct, finance, acquire, own, lease, operate, improve, repair, and maintain, alone or jointly with other irrigation districts, boards of control, municipal or quasi-municipal corporations or cooperatives authorized to engage in the business of distributing electricity, electrical companies subject to the jurisdiction of the utilities and transportation commission, private commercial or industrial entities that construct or operate electric power generation or transmission facilities, or private commercial or industrial entities that acquire electric power for their own use or resale, hydroelectric facilities including but not limited to dams, canals, plants, transmission lines, other power equipment, and the necessary property and rights therefor, located within or outside the district, for the purpose of utilizing for the generation of electricity, water power made available by and as a part of the irrigation water storage, conveyance, and distribution facilities, waste ways, and drainage water facilities which serve irrigation districts, and to sell any and all the electric energy generated at any such hydroelectric facilities or the irrigation district's share of such energy, to municipal or quasi-municipal corporations or cooperatives authorized to engage in the business of distributing electricity, electrical companies subject to the jurisdiction of the utilities and transportation commission, private commercial or industrial entities that acquire electric power for their own use or resale, or other irrigation districts, and on such terms and conditions as the board of directors shall determine. No contract entered into under this subsection (1)(a) by the board of directors of any irrigation district for the sale of electrical energy from such hydroelectric facility for a period longer than forty years from the date of commercial operation of such hydroelectric facility shall

be binding on the district until ratified by a majority vote of the electors of the district at an election therein, called, held, and canvassed for that purpose in the same manner as that provided by law for district bond elections.

~~((2))~~ (b) To construct, repair, purchase, maintain, or lease a system for the sale or lease of water to the owners of irrigated lands within the district for domestic purposes.

~~((3))~~ (c) To construct, repair, purchase, lease, acquire, operate and maintain a system of drains, sanitary sewers, and sewage disposal or treatment plants as herein provided.

~~((4))~~ (d) To assume, as principal or guarantor, any indebtedness to the United States under the federal reclamation laws, on account of district lands.

~~((5))~~ (e) To maintain, repair, construct, and reconstruct ditches, laterals, pipe lines, and other water conduits used or to be used in carrying water for irrigation of lands located within the boundaries of a city or town, or for the domestic use of the residents of a city or town where the owners of land within such city or town shall use such works to carry water to the boundaries of such city or town for irrigation, domestic, or other purposes within such city or town, and to charge to such city or town the pro rata proportion of the cost of such maintenance, repair, construction, and reconstruction work in proportion to the benefits received by the lands served and located within the boundaries of such city or town, and if such cost is not paid, then and in that event said irrigation district shall have the right to prevent further water deliveries through such works to the lands located within the boundaries of such city or town until such charges have been paid.

~~((6))~~ (f) To acquire, install, and maintain as a part of the irrigation district's water system the necessary water mains and fire hydrants to make water available for firefighting purposes; and in addition any such irrigation district shall have the authority to repair, operate, and maintain such hydrants and mains.

~~((7))~~ (g) To enter into contracts with other irrigation districts, boards of control, municipal or quasi-municipal corporations or cooperatives authorized to engage in the business of distributing electricity, electrical companies subject to the jurisdiction of the utilities and transportation commission, private commercial or industrial entities that construct or operate electric power generation or transmission facilities, or private commercial or industrial entities that acquire electric power for their own use or resale, to jointly finance, acquire, lease, construct, own, operate, improve, repair, and maintain irrigation water, domestic water, drainage and sewerage works, and electrical power works to the same extent as authorized by (a) of this subsection ~~((1) of this section)~~, or portions of such works. If an irrigation district enters into a contract or agreement under this subsection (1)(g) to create a legal entity or undertaking with an investor-owned utility or a private commercial or industrial entity, that contract or agreement must provide that the irrigation district be severally liable only for its own acts and not jointly or severally liable for the acts, omissions, or obligations of an investor-owned utility or a private commercial or industrial entity. No money or property supplied by any irrigation district for the planning, financing, acquisition, construction, operation, or maintenance of any common facility may be credited or otherwise applied to the account of any investor-owned utility or private commercial or industrial entity therein, nor may the undivided share of any irrigation district in any common facility be charged, directly or indirectly, with any debt or obligation of any investor-owned utility or private commercial or industrial entity or be subject to any lien as a result thereof. No action in connection with a common facility may be binding upon any irrigation district unless authorized or approved by resolution of its board.

~~((8))~~ (h) To acquire from a water-sewer district wholly within the irrigation district's boundaries, by a conveyance without cost, the water-sewer district's water system and to operate the same to provide water for the domestic use of the irrigation district residents. As a part of its acceptance of the conveyance the irrigation district must agree to relieve the water-sewer district of responsibility for maintenance and repair of the system. Any such water-sewer district is authorized to make such a conveyance if all indebtedness of the water-sewer district, except local improvement district bonds, has been paid and the conveyance has been approved by a majority of the water-sewer district's voters voting at a general or special election.

~~((9))~~ (i) To approve and condition placement of hydroelectric generation facilities by entities other than the district on water conveyance facilities operated or maintained by the district.

(2) An irrigation district providing electric or water utility service to residential customers may not effect, due to lack of payment, an involuntary termination of utility service to any residential users, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located.

(a)(i) A residential user at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the irrigation district reconnect service on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the residential user's address is located. The irrigation district shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the irrigation district.

(ii) Upon receipt of a request made pursuant to (a)(i) of this subsection, the irrigation district shall promptly make a reasonable attempt to reconnect service to the dwelling. The irrigation district, in connection with a request made pursuant to (a)(i) of this subsection, shall provide the residential user with information regarding the availability of bill assistance, options for payment plans, and other financial resources from community action agencies, the district, or other sources to assist the residential customer with payment of utility bills. If a district requires a payment plan, customer income verification shall be by self-attestation or through a community action agency.

(b) On an annual basis, each irrigation district with more than 25,000 retail electric customers or 2,500 water customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta). Irrigation districts with fewer than 25,000 retail electric customers or 2,500 water customers in Washington must provide similar information upon request by the department.

(i) Subject to availability, each irrigation district must provide any other information related to utility disconnections that is requested by the department.

(ii) The information required in this subsection (2)(b) must be submitted in a form, timeline, and manner as prescribed by the department.

(3) This section shall not be construed as in any manner abridging any other powers of an irrigation district conferred by law.

Sec. 8. RCW 59.18.060 and 2013 c 35 s 1 are each amended to read as follows:

The landlord will at all times during the tenancy keep the premises fit for human habitation, and shall in particular:

(1) Maintain the premises to substantially comply with any applicable code, statute, ordinance, or regulation governing their maintenance or operation, which the legislative body enacting the applicable code, statute, ordinance or regulation could enforce as to the premises rented if such condition endangers or impairs the health or safety of the tenant;

(2) Maintain the structural components including, but not limited to, the roofs, floors, walls, chimneys, fireplaces, foundations, and all other structural components, in reasonably good repair so as to be usable;

(3) Keep any shared or common areas reasonably clean, sanitary, and safe from defects increasing the hazards of fire or accident;

(4) Provide a reasonable program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and, except in the case of a single-family residence, control infestation during tenancy except where such infestation is caused by the tenant;

(5) Except where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premises in as good condition as it by law or rental agreement should have been, at the commencement of the tenancy;

(6) Provide reasonably adequate locks and furnish keys to the tenant;

(7) Maintain and safeguard with reasonable care any master key or duplicate keys to the dwelling unit;

(8) Maintain all electrical, plumbing, heating, and other facilities and appliances supplied by him or her in reasonably good working order;

(9) Maintain the dwelling unit in reasonably weathertight condition;

(10) Except in the case of a single-family residence, provide and maintain appropriate receptacles in common areas for the removal of ashes, rubbish, and garbage, incidental to the occupancy and arrange for the reasonable and regular removal of such waste;

(11) Provide facilities adequate to supply heat and water and hot water as reasonably required by the tenant;

(a) The landlord may not effect an involuntary termination of electric utility or water service due to lack of payment to any tenant on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the tenant's address is located.

(b)(i) A tenant at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the landlord reconnect service on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the tenant's address is located. The landlord shall inform all tenants in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the landlord.

(ii) Upon receipt of a request made pursuant to (b)(i) of this subsection, the landlord shall promptly make a reasonable attempt to reconnect service to the dwelling. The landlord, in connection with a request made pursuant to (b)(i) of this subsection, shall provide the tenant with information regarding the availability of bill assistance, options for payment plans, and other financial

NINETY SECOND DAY, APRIL 10, 2023

resources from community action agencies, the utility, or other sources to assist the tenant with payment of utility bills. If a landlord requires a payment plan, tenant income verification shall be by self-attestation or through a community action agency;

(12)(a) Provide a written notice to all tenants disclosing fire safety and protection information. The landlord or his or her authorized agent must provide a written notice to the tenant that the dwelling unit is equipped with a smoke detection device as required in RCW 43.44.110. The notice shall inform the tenant of the tenant's responsibility to maintain the smoke detection device in proper operating condition and of penalties for failure to comply with the provisions of RCW 43.44.110(3). The notice must be signed by the landlord or the landlord's authorized agent and tenant with copies provided to both parties. Further, except with respect to a single-family residence, the written notice must also disclose the following:

(i) Whether the smoke detection device is hard-wired or battery operated;

(ii) Whether the building has a fire sprinkler system;

(iii) Whether the building has a fire alarm system;

(iv) Whether the building has a smoking policy, and what that policy is;

(v) Whether the building has an emergency notification plan for the occupants and, if so, provide a copy to the occupants;

(vi) Whether the building has an emergency relocation plan for the occupants and, if so, provide a copy to the occupants; and

(vii) Whether the building has an emergency evacuation plan for the occupants and, if so, provide a copy to the occupants.

(b) The information required under this subsection may be provided to a tenant in a multifamily residential building either as a written notice or as a checklist that discloses whether the building has fire safety and protection devices and systems. The checklist shall include a diagram showing the emergency evacuation routes for the occupants.

(c) The written notice or checklist must be provided to new tenants at the time the lease or rental agreement is signed;

(13) Provide tenants with information provided or approved by the department of health about the health hazards associated with exposure to indoor mold. Information may be provided in written format individually to each tenant, or may be posted in a visible, public location at the dwelling unit property. The information must detail how tenants can control mold growth in their dwelling units to minimize the health risks associated with indoor mold. Landlords may obtain the information from the department's website or, if requested by the landlord, the department must mail the information to the landlord in a printed format. When developing or changing the information, the department of health must include representatives of landlords in the development process. The information must be provided by the landlord to new tenants at the time the lease or rental agreement is signed;

(14) The landlord and his or her agents and employees are immune from civil liability for failure to comply with subsection (13) of this section except where the landlord and his or her agents and employees knowingly and intentionally do not comply with subsection (13) of this section; and

(15) Designate to the tenant the name and address of the person who is the landlord by a statement on the rental agreement or by a notice conspicuously posted on the premises. The tenant shall be notified immediately of any changes in writing, which must be either (a) delivered personally to the tenant or (b) mailed to the tenant and conspicuously posted on the premises. If the person designated in this section does not reside in the state where the premises are located, there shall also be designated a person who resides in the county who is authorized to act as an agent for the purposes of service of notices and process, and if no designation

is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered such agent. Regardless of such designation, any owner who resides outside the state and who violates a provision of this chapter is deemed to have submitted himself or herself to the jurisdiction of the courts of this state and personal service of any process may be made on the owner outside the state with the same force and effect as personal service within the state. Any summons or process served out-of-state must contain the same information and be served in the same manner as personal service of summons or process served within the state, except the summons or process must require the party to appear and answer within ~~((sixty))~~ 60 days after such personal service out of the state. In an action for a violation of this chapter that is filed under chapter 12.40 RCW, service of the notice of claim outside the state must contain the same information and be served in the same manner as required under chapter 12.40 RCW, except the date on which the party is required to appear must not be less than ~~((sixty))~~ 60 days from the date of service of the notice of claim.

No duty shall devolve upon the landlord to repair a defective condition under this section, nor shall any defense or remedy be available to the tenant under this chapter, where the defective condition complained of was caused by the conduct of such tenant, his or her family, invitee, or other person acting under his or her control, or where a tenant unreasonably fails to allow the landlord access to the property for purposes of repair. When the duty imposed by subsection (1) of this section is incompatible with and greater than the duty imposed by any other provisions of this section, the landlord's duty shall be determined pursuant to subsection (1) of this section.

Sec. 9. RCW 59.20.070 and 2019 c 342 s 4 are each amended to read as follows:

A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home, manufactured home, or park model within a park, or prohibit, in any manner, any tenant from posting on the tenant's manufactured/mobile home or park model, or on the rented mobile home lot, a commercially reasonable "for sale" sign or any similar sign designed to advertise the sale of the manufactured/mobile home or park model. In addition, a landlord shall not require the removal of the mobile home, manufactured home, or park model from the park because of the sale thereof. Requirements for the transfer of the rental agreement are in RCW 59.20.073. Nothing in this subsection prohibits a landlord from enforcing reasonable rules or restrictions regarding the placement of "for sale" signs on the tenant's manufactured/mobile home or park model, or on the rented mobile home lot, if (a) the main purpose of the rules or restrictions is to protect the safety of park tenants or residents and (b) the rules or restrictions comply with RCW 59.20.045. The landlord may restrict the number of "for sale" signs on the lot to two and may restrict the size of the signs to conform to those in common use by home sale businesses;

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home space: **PROVIDED**, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement. Door-to-door solicitation does not include public officials, housing and low-income assistance organizations, or candidates for public office meeting or distributing information to tenants in accordance with subsection (3) or (4) of this section;

(3) Prohibit the distribution of information or meetings by tenants of the mobile home park to discuss mobile home living and affairs, including political caucuses or forums for or speeches of public officials or candidates for public office, meetings with

housing and low-income assistance organizations, or meetings of organizations that represent the interest of tenants in the park, held in a tenant's home or any of the park community or recreation halls if these halls are open for the use of the tenants, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) Prohibit a public official, housing and low-income assistance organization, or candidate for public office from meeting with or distributing information to tenants in their individual mobile homes, manufactured homes, or park models, nor penalize any tenant for participating in these meetings or receiving this information;

(5) Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

(a) Filing a complaint with any federal, state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

(b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;

(c) Filing suit against the landlord for any reason;

(d) Participation or membership in any homeowners association or group;

(6) Charge to any tenant a utility fee in excess of actual utility costs or intentionally cause termination or interruption of any tenant's utility services, including water, heat, electricity, or gas, except when an interruption of a reasonable duration is required to make necessary repairs;

(7)(a) Effect an involuntary termination of electric utility or water service due to lack of payment to any tenant on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the tenant's address is located.

(b)(i) A tenant at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the landlord reconnect service on any day for which the national weather service issues a publicly available notice that the heat risk is at a level 2 (orange), level 3 (red), or level 4 (magenta) for the area in which the tenant's address is located. The landlord shall inform all tenants in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the landlord.

(ii) Upon receipt of a request made pursuant to (b)(i) of this subsection, the landlord shall promptly make a reasonable attempt to reconnect service to the dwelling. The landlord, in connection with a request made pursuant to (b)(i) of this subsection, shall provide the tenant with information regarding the availability of bill assistance, options for payment plans, and other financial resources from community action agencies, the utility, or other sources to assist the tenant with payment of utility bills. If a landlord requires a payment plan, tenant income verification shall be by self-attestation or through a community action agency;

(8) Remove or exclude a tenant from the premises unless this chapter is complied with or the exclusion or removal is under an appropriate court order; or

~~((8))~~ (9) Prevent the entry or require the removal of a mobile home, manufactured home, or park model for the sole reason that the mobile home has reached a certain age. Nothing in this subsection shall limit a landlord's right to exclude or expel a

mobile home, manufactured home, or park model for any other reason, including but not limited to, failure to comply with fire, safety, and other provisions of local ordinances and state laws relating to mobile homes, manufactured homes, and park models, as long as the action conforms to this chapter or any other relevant statutory provision."

On page 1, line 2 of the title, after "heat;" strike the remainder of the title and insert "amending RCW 54.16.285, 57.08.081, 80.28.010, 87.03.015, 59.18.060, and 59.20.070; adding a new section to chapter 23.86 RCW; adding a new section to chapter 24.06 RCW; and adding a new section to chapter 35.21 RCW."

Senator MacEwen spoke in favor of adoption of the striking amendment.

Senator Nguyen spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 0396 by Senator MacEwen to Engrossed Substitute House Bill No. 1329.

The motion by Senator MacEwen did not carry and striking amendment no. 0396 was not adopted by voice vote.

MOTION

On motion of Senator Nguyen, the rules were suspended, Engrossed Substitute House Bill No. 1329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nguyen spoke in favor of passage of the bill.

Senator MacEwen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1329.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1329 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1521, by House Committee on Labor & Workplace Standards (originally sponsored by Bronoske, Stonier, Wylie, Berry and Pollet)

Concerning the duties of industrial insurance self-insured employers and third-party administrators.

The measure was read the second time.

MOTION

NINETY SECOND DAY, APRIL 10, 2023

Senator Mullet moved that the following amendment no. 0386 by Senator Mullet be adopted:

- On page 2, line 30, after "self-insured" insert "municipal"
- On page 2, line 30, after "and" insert "their"
- On page 2, line 33, after "self-insured" insert "municipal"
- On page 2, line 33, after "or" insert "their"
- On page 3, line 8, after "department, the" insert "municipal"
- On page 3, line 8, after "or" strike "the" and insert "their"
- On page 3, line 9, after "the" insert "municipal"
- On page 3, line 9, after "or" insert "their"
- On page 3, line 16, after "order the" insert "municipal"

Senators Mullet and King spoke in favor of adoption of the amendment.

Senators Keiser, Kuderer, Hasegawa and Conway spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0386 by Senator Mullet on page 2, line 30 to Substitute House Bill No. 1521.

The motion by Senator Mullet carried and amendment no. 0386 was adopted by voice vote.

MOTION

Senator Keiser moved that the following amendment no. 0393 by Senators Keiser and Mullet be adopted:

On page 3, after line 19, insert the following:

"(6) For the purposes of this section, "municipal" means any counties, cities, towns, port districts, water-sewer districts, school districts, metropolitan park districts, fire districts, public hospital districts, regional fire protection service authorities, education service districts, or such other units of local government.

Sec. 4. RCW 51.14.080 and 1986 c 57 s 7 are each amended to read as follows:

(1) Certification of a self-insurer shall be withdrawn by the director upon one or more of the following grounds:

~~((1))~~ (a) The employer no longer meets the requirements of a self-insurer; or

~~((2))~~ (b) The self-insurer's deposit is insufficient; or

~~((3))~~ (c) The self-insurer intentionally or repeatedly induces employees to fail to report injuries, induces claimants to treat injuries in the course of employment as off-the-job injuries, persuades claimants to accept less than the compensation due, or unreasonably makes it necessary for claimants to resort to proceedings against the employer to obtain compensation; or

~~((4))~~ (d) The self-insurer habitually fails to comply with rules and regulations of the director regarding reports or other requirements necessary to carry out the purposes of this title; or

~~((5))~~ (e) The self-insurer habitually engages in a practice of arbitrarily or unreasonably refusing employment to applicants for employment or discharging employees because of nondisabling bodily conditions; or

~~((6))~~ (f) The self-insurer fails to pay an insolvency assessment under the procedures established pursuant to RCW 51.14.077; or

(g) For a self-insured municipal employer, the self-insurer has been found to have violated the self-insurer's duty of good faith and fair dealing three times within a three-year period. For purposes of determining whether there have been three violations within a three-year period, the director must use the date of the department's order. Any subsequent order of the department, board of industrial insurance appeals, or courts affirming a violation occurred relates back to the date of the department's

order.

(2) The director may delay withdrawing the certification of the self-insured municipal employer while the employer has an enforceable contract with a licensed third-party administrator that may not be legally terminated. However, the self-insured municipal employer may not renew or extend the contract.

(3) For the purposes of this section, "municipal" has the same meaning as defined in section 3(6) of this act."

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

On page 1, line 3 of the title, after "51.48.080" strike "and 51.48.017" and insert ", 51.48.017, and 51.14.080"

Senators Keiser, King and Mullet spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0393 by Senators Keiser and Mullet on page 3, after line 19 to Substitute House Bill No. 1521.

The motion by Senator Keiser carried and amendment no. 0393 was adopted by voice vote.

MOTION

Senator Keiser moved that the following amendment no. 0395 by Senator Kuderer be adopted:

On page 3, after line 19, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 51.14 RCW to read as follows:

Nothing in this act shall be interpreted as allowing a private cause of action outside of the original jurisdiction of the department of labor and industries to assess penalties and rights to appeal as provided in this title."

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

On page 1, line 3 of the title, after "adding" strike "a new section" and insert "new sections"

Senators Kuderer and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0395 by Senator Kuderer on page 3, after line 19 to Substitute House Bill No. 1521.

The motion by Senator Keiser carried and amendment no. 0395 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1521 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill. Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1521 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1521 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Cleveland, Dhingra, Frame, Holy, Kauffman, Keiser, King, Lias, Lovick, MacEwen, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wagoner, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Boehnke, Conway, Dozier, Fortunato, Gildon, Hasegawa, Hawkins, Hunt, Kuderer, Lovelett, McCune, Padden, Schoesler, Short, Torres, Warnick and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1521, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fortunato: "I want to apologize to the body for doing this in the middle of the day but it's really just been brought to our attention that three weeks ago in King County a sheriff deputy was shot during the time of an eviction. He's still in Harborview, still in Intensive Care. So, if we could just take a short little moment of silence for him and his recovery. I'd appreciate it Mr. President."

[The Senate observed a moment of silence for King County Sheriff's Detective David Easterly who was severely injured while in the line of duty. Detective Easterly was released from the hospital on May 5, 2023.]

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1728, by House Committee on Appropriations (originally sponsored by Donaghy, Rule, Reeves, Morgan, Ramel, Reed and Leavitt)

Creating a statewide resiliency program.

The measure was read the second time.

MOTION

On motion of Senator Valdez, the rules were suspended, Second Substitute House Bill No. 1728 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Valdez spoke in favor of passage of the bill.
Senator Wilson, J. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1728.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1728 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

SECOND SUBSTITUTE HOUSE BILL NO. 1728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1334, by Representatives Hutchins, Simmons, Couture and Ramel

Addressing the access of certain aquatic lands by a public transportation benefit area.

The measure was read the second time.

MOTION

On motion of Senator Randall, the rules were suspended, House Bill No. 1334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Muzzall and MacEwen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1334.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1334 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1019, by House Committee on Agriculture and Natural Resources (originally sponsored by Dent, Chapman, Ryu, Corry, Sandlin, Reeves, Springer, Schmick and Davis)

Creating the pesticide advisory board.

The measure was read the second time.

MOTION

Senator Salomon moved that the following committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that agency decisions related to the regulation of pesticides benefit from

NINETY SECOND DAY, APRIL 10, 2023

robust community and stakeholder engagement. The legislature intends to create a formal and permanent advisory board to advise the department of agriculture on any or all problems relating to the use and application of pesticides in the state, with the exception of matters covered by the pesticide application safety committee.

NEW SECTION. Sec. 2. A new section is added to chapter 17.21 RCW to read as follows:

(1) The pesticide advisory board is established to advise the director on any or all problems relating to the use and application of pesticides in the state except for matters covered by the pesticide application safety committee created in RCW 70.104.110, with members as provided in this subsection.

(a) Voting members:

(i) One pesticide applicator licensed to operate agricultural aerial apparatus;

(ii) One licensed pest control consultant, or one licensed pesticide dealer or pesticide dealer manager;

(iii) One member representing the agricultural chemical industry;

(iv) One agricultural producer;

(v) The department's pesticide management division assistant director or the assistant director's designee;

(vi) One toxicologist or pesticide investigations manager from the department of health;

(vii) The department of labor and industries' division of occupational safety and health assistant director or the assistant director's designee;

(viii) One member representing the environmental community;

(ix) One representative from a federally recognized Indian tribe or an interested tribe that does not regulate pesticides;

(x) One farmworker advocate;

(xi) One migrant farmworker;

(xii) One at-large member as determined by the director; and

(xiii) One member representing the household and commercial products association.

(b) Nonvoting members:

(i) The director of the following agencies or the director's designees:

(A) The department of labor and industries;

(B) The department of fish and wildlife;

(C) The department of ecology; and

(D) The liquor and cannabis board;

(ii) The commissioner of public lands or the commissioner's designee;

(iii) The commissioner of the employment security department or the commissioner's designee;

(iv) The environmental health specialist from the department of health;

(v) One entomologist in public service;

(vi) One toxicologist in public service;

(vii) One member from the national pesticide information center;

(viii) One pesticide coordinator from Washington State University;

(ix) One agricultural health network advisor from the Pacific Northwest agricultural safety and health center;

(x) The department's pollinator health coordinator, apiarist, or both;

(xi) One commercial beekeeper;

(xii) One member representing the United States environmental protection agency region 10;

(xiii) One member representing the department of transportation with expertise in vegetation management;

(xiv) One member representing the noxious weed control

board; and

(xv) One member representing an organization made up of agricultural producers, timber producers, wood preservers, and others whose mission includes supporting the science behind the responsible use of pesticides in both agriculture and forestry.

(2) The director shall appoint each member of the pesticide advisory board for terms of four years. Members may be appointed for successive four-year terms at the discretion of the director. The terms must be staggered so that approximately one-fourth of the terms expire on June 30th of each calendar year. In making appointments, the director shall seek nominations from affected agricultural and environmental groups. The director may remove any member of the pesticide advisory board prior to the expiration of his or her term of appointment for cause.

(3) The director shall attempt to fill any vacancy on the pesticide advisory board within 30 days for the remainder of its term.

(4) The director, in consultation with the pesticide advisory board, shall form work groups that include individuals with the appropriate expertise to inform the board on issues relating to specific pesticides or uses. Work groups created under this subsection may include individuals who are not members of the pesticide advisory board.

NEW SECTION. Sec. 3. A new section is added to chapter 17.21 RCW to read as follows:

The pesticide advisory board established in section 2 of this act shall elect a chair from among its membership. The pesticide advisory board shall meet from time to time at the call of the director, chair of the board, or a majority of the board."

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "adding new sections to chapter 17.21 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to Engrossed Substitute House Bill No. 1019.

The motion by Senator Salomon carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Salomon, the rules were suspended, Engrossed Substitute House Bill No. 1019 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon and Muzzall spoke in favor of passage of the bill.

Senators Saldaña and Hunt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1019 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1019 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, King, Lovick, MacEwen, McCune, Mullet, Muzzall, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Torres, Van De Wege, Wagoner,

Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Conway, Dhingra, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Nguyen, Rolfes, Saldaña, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1019, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1394, by House Committee on Human Services, Youth, & Early Learning (originally sponsored by Senn, Goodman, Simmons, Lekanoff and Doglio)

Creating a developmentally appropriate response to youth who commit sexual offenses.

The measure was read the second time.

MOTION

On motion of Senator Frame, the rules were suspended, Engrossed Substitute House Bill No. 1394 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frame spoke in favor of passage of the bill.
Senator Boehnke spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1394.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1394 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Stanford, Trudeau, Valdez, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Mullet, Muzzall, Padden, Rolfes, Schoesler, Shewmake, Short, Torres, Van De Wege, Wagoner and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1779, by House Committee on Environment & Energy (originally sponsored by Mosbrucker, Dye and Pollet)

Reducing toxic air pollution that threatens human health.

The measure was read the second time.

MOTION

Senator MacEwen moved that the following committee striking amendment by the Committee on Environment, Energy & Technology be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that carbon monoxide poisoning kills at least 430 people in the United States every year and 50,000 people seek medical care to treat the adverse effects of carbon monoxide poisoning. Carbon monoxide gas is odorless and colorless, making it difficult for people to protect themselves and detect an issue that can cause sudden illness, death, and lifelong disability. Washington state has already enacted requirements for carbon monoxide alarms in residences. Therefore, the legislature intends to direct state agencies to collaborate on a study of what Washington state is doing to prevent carbon monoxide poisoning from sources outside of the home and what the state might reasonably do to keep people safe.

NEW SECTION. Sec. 2. (1) By September 1, 2023, the department of health must convene an interagency carbon monoxide work group consisting of representatives of the department of ecology, the Washington state patrol, and the office of the attorney general. The interagency carbon monoxide work group must nominate a chair and the chair may designate up to two additional participants with subject matter expertise to participate on the work group.

(2) The purpose of the interagency carbon monoxide work group is to produce a report regarding current and recommended future state agency activities to:

- (a) Prevent carbon monoxide poisoning from sources outside of the home;
- (b) Increase awareness of carbon monoxide among the most at-risk populations;
- (c) Collect data on the number of incidents of carbon monoxide poisoning and their causes in Washington, in order to track the reduction of such incidents over time; and
- (d) Identify any opportunities to seek federal grants or other sources of funding available for public awareness campaigns related to carbon monoxide harm avoidance.

(3) The interagency carbon monoxide work group must submit a report to the appropriate committees of the legislature and the governor by December 1, 2024, that contains recommendations on new policy changes and other actions that could be taken to reduce carbon monoxide poisoning in Washington.

(4) This section expires July 1, 2026.

NEW SECTION. Sec. 3. This act may be known and cited as Mary's law."

On page 1, beginning on line 2 of the title, after "health;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

Senator Nguyen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Energy & Technology to Substitute House Bill No. 1779.

The motion by Senator MacEwen carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator MacEwen, the rules were suspended, Substitute House Bill No. 1779 as amended by the Senate was

NINETY SECOND DAY, APRIL 10, 2023

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators MacEwen and Nguyen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1779 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1779 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1779, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1122, by House Committee on Appropriations (originally sponsored by Doglio, Berry, Reed, Ramel, Simmons, Reeves, Lekanoff, Bergquist, Kloba, Pollet, Donaghy, Fosse and Ormsby)

Granting Washington management service employees the right to collectively bargain.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Second Substitute House Bill No. 1122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1122.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1122 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Torres, Trudeau, Valdez, Van De Wege, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Boehnke, Braun, Dozier, McCune, Padden, Schoesler, Short, Wagoner and Wilson, L.

SECOND SUBSTITUTE HOUSE BILL NO. 1122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1527, by Representatives Wylie, Sandlin, Duerr, Barnard, Connors, Chapman, Waters, Springer, Harris and Gregerson

Making technical corrections to the local tax increment financing program.

The measure was read the second time.

MOTION

Senator Stanford moved that the following committee striking amendment by the Committee on Business, Financial Services, Gaming & Trade be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.114.010 and 2021 c 207 s 1 are each amended to read as follows:

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

(1) "Assessed value of real property" means the valuation of taxable real property as placed on the last completed assessment roll prepared pursuant to Title 84 RCW.

(2) "Increment area" means the geographic area within which regular property tax revenues are to be apportioned to pay public improvement costs, as authorized under this chapter.

(3) "Increment value" means 100 percent of any increase in the true and fair value of real property in an increment area that is placed on the tax rolls after the increment area (~~is created~~) takes effect. The increment value shall not be less than zero.

(4) "Local government" means any city, town, county, port district, or any combination thereof.

(5) "Ordinance" means any appropriate method of taking legislative action by a local government, including a resolution adopted by a port district organized under Title 53 RCW.

(6) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, required permitting, required environmental studies and mitigation, seismic studies or surveys, archaeological studies or surveys, land surveying, site acquisition, including appurtenant rights and site preparation, construction, reconstruction, rehabilitation, improvement, expansion, and installation of public improvements, and other directly related costs;

(b) Relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including capitalized interest for up to six months following completion of construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary debt service reserves;

(e) Expenses incurred in revaluing real property for the purpose of determining the tax allocation base value by a county assessor under chapter 84.41 RCW and expenses incurred by a county treasurer under chapter 84.56 RCW in apportioning the taxes and complying with this chapter and other applicable law. For

purposes of this subsection (6)(e), "expenses incurred" means actual staff and software costs directly related to the implementation and ongoing administration of increment areas under this chapter; and

(f) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of tax increment financing to fund the costs of the public improvements.

(7) "Public improvements" means:

(a) Infrastructure improvements owned by a state or local government within or outside of and serving the increment area ((that include)) and real property owned or acquired by a local government within the increment area including:

(i) Street and road construction;

(ii) Water and sewer system construction, expansion, and improvements;

(iii) Sidewalks and other nonmotorized transportation improvements and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities or other transit facilities;

(vi) Park and community facilities and recreational areas;

(vii) Stormwater and drainage management systems;

(viii) Electric, broadband, or rail service;

(ix) Mitigation of brownfields; or

(b) Expenditures for any of the following purposes:

(i) Purchasing, rehabilitating, retrofitting for energy efficiency, and constructing housing for the purpose of creating or preserving long-term affordable housing;

(ii) Purchasing, rehabilitating, retrofitting for energy efficiency, and constructing child care facilities serving children and youth that are low-income, homeless, or in foster care;

(iii) Providing maintenance and security for the public improvements; ~~((or))~~

(iv) Historic preservation activities authorized under RCW 35.21.395; or

(v) Relocation and construction of a government-owned facility, with written permission from the agency owning the facility and the office of financial management.

(8) "Real property" means:

(a) Real property as defined in RCW 84.04.090; and

(b) Privately owned or used improvements located on publicly owned land that are subject to property taxation or leasehold excise tax.

(9) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by port districts or public utility districts to the extent necessary for the payments of principal and interest on general obligation debt; and (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065. Regular property taxes do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043. "Regular property taxes" does not include excess property taxes levied by local school districts.

~~((9))~~ (10) "Tax allocation base value" means the assessed value of real property located within an increment area for taxes imposed in the year in which the increment area ~~((is first designated))~~ takes effect.

~~((10))~~ (11) "Tax allocation revenues" means those revenues derived from the imposition of regular property taxes on the increment value.

~~((11))~~ (12) "Taxing district" means a governmental entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved increment area.

Sec. 2. RCW 39.114.020 and 2021 c 207 s 2 are each amended to read as follows:

(1) A local government may designate an increment area under this chapter and use the tax allocation revenues to pay public improvement costs, subject to the following conditions:

(a) The local government must adopt an ordinance designating an increment area within its boundaries and describing the public improvements proposed to be paid for, or financed with, tax allocation revenues;

(b) The local government may not designate increment area boundaries such that the entirety of its territory falls within an increment area;

(c) The increment area may not have an assessed valuation of more than \$200,000,000 or more than 20 percent of the sponsoring jurisdiction's total assessed valuation, whichever is less, when the ordinance is passed. If a sponsoring jurisdiction creates two increment areas, the total combined assessed valuation in both of the two increment areas may not equal more than \$200,000,000 or more than 20 percent of the sponsoring jurisdiction's total assessed valuation, whichever is less, when the ordinances are passed creating the increment areas;

(d) A local government can create no more than two active increment areas at any given time and they may not physically overlap by including the same land in more than one increment area at any time;

(e) The ordinance must set a sunset date for the increment area, which may be no more than 25 years after the first year in which tax allocation revenues are collected from the increment area;

(f) The ordinance must identify the public improvements to be financed and indicate whether the local government intends to issue bonds or other obligations, payable in whole or in part, from tax allocation revenues to finance the public improvement costs, and must estimate the maximum amount of obligations contemplated;

(g) The ordinance must provide that the increment area takes effect on June 1st following the adoption of the ordinance in (a) of this subsection;

(h) The sponsoring jurisdiction may not add additional public improvements to the project after adoption of the ordinance creating the increment area or change the boundaries of the increment area. The sponsoring jurisdiction may expand, alter, or add to the original public improvements when doing so is necessary to assure the originally approved improvements can be constructed or operated;

(i) The ordinance must impose a deadline by which commencement of construction of the public improvements shall begin, which deadline must be at least five years into the future and for which extensions shall be made available for good cause; and

(j) The local government must make a finding that:

(i) The public improvements proposed to be paid or financed with tax allocation revenues are expected to encourage private development within the increment area and to increase the assessed value of real property within the increment area;

(ii) Private development that is anticipated to occur within the increment area as a result of the proposed public improvements will be permitted consistent with the permitting jurisdiction's applicable zoning and development standards;

(iii) The private development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future without the proposed public improvements; and

(iv) The increased assessed value within the increment area that could reasonably be expected to occur without the proposed public improvements would be less than the increase in the

NINETY SECOND DAY, APRIL 10, 2023

assessed value estimated to result from the proposed development with the proposed public improvements.

(2) In considering whether to designate an increment area, the legislative body of the local government must prepare a project analysis that shall include, but need not be limited to, the following:

(a) A statement of objectives of the local government for the designated increment area;

(b) A statement as to the property within the increment area, if any, that the local government may intend to acquire;

(c) The duration of the increment area;

(d) Identification of all parcels to be included in the area;

(e) A description of the expected private development within the increment area, including a comparison of scenarios with the proposed public improvements and without the proposed public improvements;

(f) A description of the public improvements, estimated public improvement costs, and the estimated amount of bonds or other obligations expected to be issued to finance the public improvement costs and repaid with tax allocation revenues;

(g) The assessed value of real property listed on the tax roll as certified by the county assessor under RCW 84.52.080 from within the increment area and an estimate of the increment value and tax allocation revenues expected to be generated;

(h) An estimate of the job creation reasonably expected to result from the public improvements and the private development expected to occur in the increment area; and

(i) An assessment of any impacts and any necessary mitigation to address the impacts identified on the following:

(i) Affordable and low-income housing;

(ii) The local business community;

(iii) The local school districts; and

(iv) The local fire service.

(3) The local government may charge a private developer, who agrees to participate in creating the increment area, a fee sufficient to cover the cost of the project analysis and establishing the increment area, including staff time, professionals and consultants, and other administrative costs related to establishing the increment area.

(4) Nothing in this section prohibits a local government from entering into an agreement under chapter 39.34 RCW with another local government for the administration or other activities related to tax increment financing authorized under this section.

(5) If the project analysis indicates that an increment area will impact at least 20 percent of the assessed value in a fire protection district or regional fire protection service authority, or the fire service agency's annual report demonstrates an increase in the level of service directly related to the increment area, the local government must negotiate a mitigation plan with the fire protection district or regional fire protection service authority to address level of service issues in the increment area.

(6) The local government may reimburse the assessor and treasurer for their costs as provided in RCW 39.114.010(6)(e).

(7) Prior to the adoption of an ordinance authorizing creation of an increment area, the local government must:

(a) Hold at least two public briefings for the community solely on the tax increment project that include the description of the increment area, the public improvements proposed to be financed with the tax allocation revenues, and a detailed estimate of tax revenues for the participating local governments and taxing districts, including the amounts allocated to the increment public improvements. The briefings must be announced at least two weeks prior to the date being held, including publishing in a legal newspaper of general circulation and posting information on the local government website and all local government social media

sites; and

(b) Submit the project analysis to the office of the treasurer for review and consider any comments that the treasurer may provide upon completion of their review of the project analysis as provided under this subsection. The treasurer must complete the review within 90 days of receipt of the project analysis and may consult with other agencies and outside experts as necessary. Upon completing their review, the treasurer must promptly provide to the local government any comments regarding suggested revisions or enhancements to the project analysis that the treasurer deems appropriate based on the requirements in subsection (2) of this section.

Sec. 3. RCW 39.114.040 and 2021 c 207 s 4 are each amended to read as follows:

The local government designating the increment area must:

(1) Publish notice in a legal newspaper of general circulation within the jurisdiction of the local government at least two weeks before the date on which the ordinance authorizing creation of an increment area is adopted that describes the public improvements, describes the boundaries of the increment area, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

(2) Deliver a certified copy of the adopted ordinance to the county treasurer, the county assessor, and the governing body of each taxing district within which the increment area is located at the respective addresses specified pursuant to RCW 42.56.040 within 10 days of the date on which the ordinance was adopted.

Sec. 4. RCW 39.114.050 and 2021 c 207 s 5 are each amended to read as follows:

Apportionment of taxes shall be as follows:

(1) Commencing in the calendar year immediately following the (~~passage of the ordinance~~) calendar year in which the increment area takes effect in accordance with RCW 39.114.020, the county treasurer shall distribute receipts from regular property taxes imposed on real property located in the increment area as follows:

(a) Each taxing district shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the tax allocation base value for that increment area;

(b) The local government that designated the increment area shall be entitled to receive an additional amount equal to the amount derived from the regular property taxes levied by or for each taxing district upon the increment value within the increment area. The local government that designated the increment area shall receive no more than is needed to pay or repay costs directly associated with the public improvements identified in the approved ordinance and may agree to receive less than the full amount of this portion, as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the taxing districts that imposed regular property taxes, or have regular property taxes imposed for them, in the increment area for collection that year in proportion to their regular tax levy rates for collection that year. The local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by tax increment financing; and

(c) This section shall not apply to any receipts from the regular property taxes levied by:

(i) The state for the support of the common schools under RCW

84.52.065;

- (ii) Local school district excess levies; and
- (iii) Port districts or public utility districts specifically for the purpose of making required payments of principal and interest or general indebtedness.

(2) The apportionment of tax allocation revenues must cease when the taxing district certifies to the county assessor in writing that tax allocation revenues are no longer necessary or obligated to pay public improvement costs, but in no event shall the apportionment of tax allocation revenues continue beyond the sunset date established pursuant to RCW 39.114.020(1)(e). Any excess tax allocation revenues and earnings on the tax allocation revenues remaining at the time the apportionment of tax receipts terminates must be returned to the county treasurer and distributed to the taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the increment area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(3) The apportionment and distribution of portions of the regular property taxes levied by or for each taxing district upon the increment value within the increment area pursuant to and subject to the requirements of this chapter is declared to be a public purpose of and benefit each such taxing district.

(4) The apportionment and distribution of portions of the regular property taxes levied by or for each taxing district upon the increment value within the increment area pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any such taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

(5)(a) For a local government having a designated increment area under this chapter as of the effective date of this section, the county assessor must adjust the tax allocation base value for that increment area to include the assessed value of any privately owned improvements located on publicly owned land for taxes imposed in the year in which the increment area was first designated. However, no adjustment is required if the increment area does not include any privately owned improvements located on publicly owned land subject to property taxation as of the date the increment area became effective.

(b) The adjusted tax allocation base value under this subsection (5) does not impact any apportionment and distribution under this section occurring in calendar years before calendar year 2024.

Sec. 5. RCW 84.55.015 and 2014 c 4 s 2 are each amended to read as follows:

If a taxing district has not levied since 1985 and elects to restore a regular property tax levy subject to applicable statutory limitations then such first restored levy must be set so that the regular property tax payable does not exceed the amount which was last levied, plus an additional dollar amount calculated by multiplying the property tax rate which is proposed to be restored, or the maximum amount which could be lawfully levied in the year such a restored levy is proposed, by the increase in assessed value in the district since the last levy resulting from:

- (1) New construction;
- (2) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;
- (3) Improvements to property; (~~and~~)
- (4) Any increase in the assessed value of state-assessed property; and
- (5) Any increase in the assessed value of real property, as

defined in RCW 39.114.010, within an increment area as designated by any local government in RCW 39.114.020 if the increase is not included elsewhere under this section. This subsection does not apply to levies by the state or by port districts or public utility districts for the purpose of making required payments of principal and interest on general indebtedness.

Sec. 6. RCW 84.55.020 and 2014 c 4 s 3 are each amended to read as follows:

Notwithstanding the limitation set forth in RCW 84.55.010, the first levy for a taxing district created from consolidation of similar taxing districts must be set so that the regular property taxes payable in the following year do not exceed the limit factor multiplied by the sum of the amount of regular property taxes lawfully levied for each component taxing district in the highest of the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the regular property tax rate of each component district for the preceding year by the increase in assessed value in each component district resulting from:

- (1) New construction;
- (2) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;
- (3) Improvements to property; (~~and~~)
- (4) Any increase in the assessed value of state-assessed property; and
- (5) Any increase in the assessed value of real property, as defined in RCW 39.114.010, within an increment area as designated by any local government under RCW 39.114.020 if the increase is not included elsewhere under this section. This subsection does not apply to levies by the state or by port districts and public utility districts for the purpose of making required payments of principal and interest on general indebtedness.

Sec. 7. RCW 84.55.030 and 2014 c 4 s 4 are each amended to read as follows:

For the first levy for a taxing district following annexation of additional property, the limitation set forth in RCW 84.55.010 must be increased by an amount equal to the aggregate assessed valuation of the newly annexed property as shown by the current completed and balanced tax rolls of the county or counties within which such property lies, multiplied by the dollar rate that would have been used by the annexing unit in the absence of such annexation, plus the additional dollar amount calculated by multiplying the regular property tax levy rate of that annexing taxing district for the preceding year by the increase in assessed value in the annexing district resulting from:

- (1) New construction;
- (2) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;
- (3) Improvements to property; (~~and~~)
- (4) Any increase in the assessed value of state-assessed property; and
- (5) Any increase in the assessed value of real property, as defined in RCW 39.114.010, within an increment area as designated by any local government in RCW 39.114.020 if the increase is not included elsewhere under this section. This subsection does not apply to levies by the state or by port districts or public utility districts for the purpose of making required

NINETY SECOND DAY, APRIL 10, 2023

payments of principal and interest on general indebtedness.

NEW SECTION. Sec. 8. 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."

On page 1, line 11 of the title, after "84.55.010;" strike the remainder of the title and insert "amending RCW 39.114.010, 39.114.020, 39.114.040, 39.114.050, 84.55.015, 84.55.020, and 84.55.030; and declaring an emergency."

MOTION

Senator Stanford moved that the following amendment no. 0268 by Senator Stanford be adopted:

Beginning on page 9, line 28, strike all of section 5
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 12, line 7, after "39.114.050," strike "84.55.015,"

Senator Stanford spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0268 by Senator Stanford on page 9, line 28 to the committee striking amendment.

The motion by Senator Stanford carried and amendment no. 0268 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Business, Financial Services, Gaming & Trade as amended to House Bill No. 1527.

The motion by Senator Stanford carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Stanford, the rules were suspended, House Bill No. 1527 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1527 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1527 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1527, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469, by House Committee on Civil Rights & Judiciary (originally sponsored by Hansen, Thai, Chopp, Fitzgibbon, Simmons, Berry, Slatter, Santos, Ryu, Street, Gregerson, Goodman, Peterson, Tharinger, Ramel, Macri, Ormsby, Reeves, Senn, Doglio, Riccelli, Alvarado, Bateman, Morgan, Callan, Bergquist and Pollet)

Concerning access to reproductive health care services and gender-affirming treatment in Washington state.

The measure was read the second time.

MOTION

Senator McCune moved that the following amendment no. 0399 by Senator McCune be adopted:

On page 1, line 19, after "products" insert "for individuals 18 years of age or older"

Senators McCune and Fortunato spoke in favor of adoption of the amendment.

Senator Trudeau spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0399 by Senator McCune on page 1, line 19 to Engrossed Substitute House Bill No. 1469.

The motion by Senator McCune did not carry and amendment no. 0399 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following amendment no. 0403 by Senator Rivers be adopted:

On page 15, at the beginning of line 15, strike "(1)"

On page 16, beginning on line 1, strike all of subsections (2) and (3)

Senator Rivers spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, amendment no. 0403 by Senator Rivers on page 15, line 15 to Engrossed Substitute House Bill No. 1469 was withdrawn.

MOTION

Senator Padden moved that the following amendment no. 0398 by Senator Padden be adopted:

Beginning on page 22, line 11, strike all of section 14
Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Padden spoke in favor of adoption of the amendment.

Senator Trudeau spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0398 by Senator Padden on page 22, line 11 to Engrossed Substitute House Bill No. 1469.

The motion by Senator Padden did not carry and amendment no. 0398 was not adopted by voice vote.

MOTION

Senator Padden moved that the following amendment no. 0397 by Senator Padden be adopted:

On page 28, beginning on line 7, strike all of section 20 and insert the following:

"NEW SECTION. Sec. 20. (1) This act takes effect when the Washington state supreme court rules that this act does not violate the full faith and credit clause of the United States Constitution.

(2) The attorney general's office must provide written notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others deemed appropriate by attorney general's office."

On page 1, beginning on line 5 of the title, after "and" strike "declaring an emergency" and insert "providing a contingent effective date"

Senator Padden spoke in favor of adoption of the amendment.

Senator Trudeau spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0397 by Senator Padden on page 28, line 7 to Engrossed Substitute House Bill No. 1469.

The motion by Senator Padden did not carry and amendment no. 0397 was not adopted by voice vote.

MOTION

On motion of Senator Trudeau, the rules were suspended, Engrossed Substitute House Bill No. 1469 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Trudeau and Kauffman spoke in favor of passage of the bill.

Senators Padden, McCune and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1469.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1469 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715, by House Committee on Appropriations (originally sponsored by Davis, Mosbrucker, Duerr, Gr andffey, Walen, Lekanoff, Morgan, Callan, Ramel, Thai, Rule, Ryu, Kloba, Chopp, Pollet, Chapman, Mena, Cortes, Eslick, Bergquist, Fey)

Enacting comprehensive protections for victims of domestic violence and other violence involving family members or intimate partners.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Part I. Electronic Monitoring with Victim Notification Technology

NEW SECTION. Sec. 101. A new section is added to chapter 2.56 RCW to read as follows:

(1) By December 1, 2023, the administrative office of the courts must adopt rules:

(a) Establishing standards for the operation of electronic monitoring with victim notification technology by monitoring agencies, with the goal of implementing best practices to improve victim safety;

(b) Establishing protocols for implementing court orders that include electronic monitoring with victim notification, including protocols for the installation and removal of monitoring devices to ensure uninterrupted monitoring services following release from detainment or incarceration; and

(c) Establishing any additional requirements necessary to promote compliance with RCW 2.56.260 and 9.94A.736, which may include, but not be limited to, training requirements for court officials, peace officers, 911 dispatchers, local corrections officers and staff, and other appropriate practitioners.

(2) In developing the rules required under this section, the administrative office of the courts must solicit input from courts of general and limited jurisdiction, local governments, monitoring agencies, and statewide associations representing law enforcement leaders, prosecutors, the department of corrections, domestic violence victims, and domestic violence agencies.

(3) The administrative office of the courts must develop a model policy on electronic monitoring with victim notification technology based on best practices where the technology is being currently used in Washington. Each law enforcement agency in the state must adopt its own policy based on the model policy.

(4) For the purposes of this section:

(a) "Electronic monitoring" has the meaning provided in RCW 9.94A.030; and

(b) "Monitoring agency" has the meaning provided in RCW 9.94A.736.

Part II. Access to Counsel

NEW SECTION. Sec. 201. A new section is added to chapter 2.53 RCW to read as follows:

The legislature recognizes: The authority of tribes to exercise tribal court civil jurisdiction in domestic violence matters; that tribal courts and tribal programs serve residents of this state; that consistent with tribal sovereignty and the centennial accord, the state of Washington does not have the authority to direct tribal court practices or direct that counsel be appointed in tribal court civil protection proceedings; and that provisions of chapter 7.105 RCW do not apply in tribal courts. Where consistent with tribal

NINETY SECOND DAY, APRIL 10, 2023

justice system rules and practices, and upon agreement with individual tribal courts or justice systems, the state should support the provision of indigenous-informed, culturally appropriate legal support for indigenous survivors of domestic violence in tribal court domestic violence protection proceedings. To this end, and subject to appropriations for this purpose, the office of civil legal aid shall coordinate with the Indian policy advisory council at the department of social and health services and representatives of tribal justice systems to develop a plan and implementation schedule to provide indigenous-informed, culturally appropriate legal support for survivors in tribal court domestic violence protection proceedings. The office of civil legal aid shall submit the plan along with fiscal projections for its implementation to the appropriate legislative committees by December 1, 2024.

Part III. Civil Proceedings

Sec. 301. RCW 7.105.155 and 2022 c 268 s 10 are each amended to read as follows:

When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, the confidential information form, as well as the petition for a protection order and any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency in the county or municipality where the respondent resides, as specified in the order, for service upon the respondent. If the respondent has moved from that county or municipality and personal service is not required, the law enforcement agency specified in the order may serve the order;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court (~~(whenever practicable, but not more than five days after receiving the order)~~) unless an emergency situation renders the service infeasible. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. All attempts at service must be documented on a proof of service form and submitted to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that (~~his or her~~) the respondent's return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the confidential information form completed by the protected party and the proof of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires

special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the proof of service form. The form must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed pistol license, or sworn statements in the petition that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the proof of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

Sec. 302. RCW 7.105.255 and 2022 c 268 s 15 are each amended to read as follows:

(1) To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, domestic violence homicide prevention, and requirements and best practices for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

(2) The administrative office of the courts shall develop training for judicial officers on the topics listed in subsection (1) of this section, which must be provided free of charge to judicial officers.

NEW SECTION. **Sec. 303.** A new section is added to chapter 7.105 RCW to read as follows:

(1) Because of the potential for error in protection order proceedings and the danger associated with firearm access in domestic violence situations, in any proceeding in which the court enters a temporary protection order that includes a temporary order to surrender and prohibit weapons, and after the hearing the court denies the petition for a full protection order, the order to surrender and prohibit weapons must remain in effect until the period for a petitioner to file a motion for reconsideration or revision has passed. If a motion for reconsideration or revision is filed, the order to surrender and prohibit weapons must remain in effect until the motion for reconsideration or revision is resolved.

(2) The court must notify the petitioner verbally and provide the petitioner with written information at the hearing in which the court denies the petition for a full protection order explaining the procedures and timelines for filing a motion for reconsideration or a motion for revision. The information must also include contact information for civil legal aid organizations that may assist the petitioner with a motion for reconsideration or a motion for revision.

(3) Subsection (1) of this section does not apply if allowing the

order to surrender and prohibit weapons to remain in effect would be manifestly unjust including, but not limited to, situations where the court finds the temporary protection order was entirely without merit, the petitioner was engaged in abusive use of litigation, or the petitioner was exerting coercive control, as defined in RCW 7.105.010, over the respondent.

Part IV. Domestic Violence Protections

Sec. 401. RCW 10.99.033 and 2019 c 367 s 2 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers must stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by July 28, 2019, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission must include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training must be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum must include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, trauma-informed investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, best practices for implementation and enforcement of orders to surrender and prohibit weapons and extreme risk protection orders, the impacts that trauma may have on domestic violence victims, understanding the risks of traumatic brain injury posed by domestic violence, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with domestic violence laws. The program must include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The program must also include training on domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, and assistance to and services for victims and children. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section must be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

Sec. 402. RCW 10.99.040 and 2021 c 215 s 122 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to ~~((his or her))~~ the attorney's client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence; and

(e) Shall not deny issuance of a no-contact order based on the existence of an applicable civil protection order preventing the defendant from contacting the victim.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or ~~((protective))~~ protection order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the defendant to surrender, and prohibit the person from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3)(a) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(b) In issuing the order, the court shall consider all information documented in the incident report concerning the person's possession of and access to firearms and whether law enforcement took temporary custody of firearms at the time of the arrest. The court may as a condition of release prohibit the defendant from possessing or accessing firearms and order the defendant to immediately surrender all firearms and any concealed pistol license to a law enforcement agency upon release.

(c) If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring as defined in RCW 9.94A.030. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the

NINETY SECOND DAY, APRIL 10, 2023

defendant (~~(reimburse the providing agency for)~~) pay the costs of the electronic monitoring. If a defendant enters into a deferred prosecution or stipulated order of continuance, the applicable order or agreement may require the defendant pay the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2), (3), or (7) of this section is punishable under RCW 7.105.450.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 7.105 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.

Part V. Firearms and Dangerous Weapons

Sec. 501. RCW 9.41.340 and 2020 c 29 s 5 are each amended to read as follows:

(1)(a) Each law enforcement agency shall develop a notification protocol that (~~(allows)~~):

(i) Allows a family or household member or intimate partner to use an incident or case number to request to be notified when a law enforcement agency returns a privately owned firearm to the individual from whom it was obtained or to an authorized representative of that person; and

(ii) Requires notification to any person identified in a no-contact order, restraining order, or protection order and any identified victim of the crime that resulted in the firearm surrender.

(~~(b)~~) (b)(i) Notification may be made via telephone, email, text message, or another method that allows notification to be provided without unnecessary delay.

(~~(b)~~) (ii) If a law enforcement agency is in possession of more than one privately owned firearm from (~~(a single person)~~) an individual, notification relating to the return of one firearm shall be considered notification for all privately owned firearms for that person.

(2) A law enforcement agency shall not provide notification to any party other than (~~(a family or household member or intimate~~

~~partner who has an incident or case number and who has requested to be notified pursuant to this section or)~~ another criminal justice agency or as authorized or required under subsection (1) of this section.

(3) The information provided by a family or household member or intimate partner pursuant to chapter 130, Laws of 2015, including the existence of the request for notification, is not subject to public disclosure pursuant to chapter 42.56 RCW.

(4) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to this section, so long as the release or failure was without gross negligence.

(5) An individual who knowingly makes a request for notification under this section based on false information may be held liable under RCW 9A.76.175.

Sec. 502. RCW 9.41.345 and 2020 c 29 s 6 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; (~~(and)~~)

(d) Ensure that (~~(twenty-four hours)~~) five business days have elapsed from the time the firearm was obtained by law enforcement(~~(- unless the firearm was seized in connection with a domestic violence call pursuant to RCW 10.99.030, in which case the law enforcement agency must ensure that five business days have elapsed from the time the firearm was obtained); and~~); and

(e) If a family or household member or intimate partner has requested notification, provide notice to the family or household member or intimate partner who has requested notification within one business day of verifying that the requirements in (a) through (c) of this subsection have been met.

(2)(a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b)(i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of (~~(his or her)~~) the firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

(3) If (~~(a family or household member or intimate partner has requested to be notified pursuant to RCW 9.41.340)~~) notification is required under subsection (1)(e) of this section, a law enforcement agency must(~~(:~~

(a) ~~Provide notice to the family or household member or intimate partner within one business day of verifying that the requirements in subsection (1) of this section have been met; and~~

(b) ~~Hold~~) hold the firearm in custody for (~~(seventy-two hours)~~) five business days from the time notification has been provided

or information has been entered.

(4)(a) A law enforcement agency may not return a concealed pistol license that has been surrendered to, or impounded by, the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

Sec. 503. RCW 9.41.801 and 2022 c 268 s 30 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent shall be provided a copy and further service is not required. If the respondent refuses to receive a copy, an agent of the court may indicate on the record that the respondent refused to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking

possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800 or 10.99.100, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6)(a) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800 or 10.99.100, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. ~~(A compliance review hearing is not required if the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender.)~~ For any case where the court has indication that the respondent has in the respondent's possession, custody, or control firearms, dangerous weapons, or a concealed pistol license, a compliance review hearing shall be held. A compliance review hearing may be waived by the court or held at a later date if the information attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency, and the court is able to make a finding of compliance. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible ~~(at which the)~~ and service by law enforcement shall be prioritized to minimize the time during which the respondent could access their firearms, dangerous weapons, or concealed pistol license. The respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has

NINETY SECOND DAY, APRIL 10, 2023

surrendered weapons.

(b) In making its findings regarding compliance, the court shall also consider any department of licensing and Washington state patrol firearm records; for criminal cases, the police report and any documentation of firearms, or their recovery pursuant to RCW 10.99.030(3)(a); and for civil protection order cases, the protection order narrative, any sections of the protection order petition that specifically reference or inquire about firearms and other dangerous weapons, any attachments to the protection order petition, any affidavits from law enforcement or the petitioner in response to a respondent's declaration regarding firearm surrender, or other relevant evidence regarding firearms, dangerous weapons, or a concealed pistol license in the person's custody, control, or possession.

(c) If the court is considering waiving or delaying the compliance review hearing, the petitioner, law enforcement, or the state or city attorney may request that the compliance hearing be held, if there is reasonable suspicion to believe that the respondent has not surrendered all firearms, dangerous weapons, and any concealed pistol license, or is otherwise out of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may issue an arrest warrant and initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, with additional sanctions for failure to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and ~~((the))~~ an agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an order to surrender and prohibit weapons ~~((issued in connection with another type of protection order))~~.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) ~~((An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the))~~ The act of voluntarily surrendering firearms or weapons, ~~((or))~~ providing testimony relating to the surrender of firearms or weapons, ~~((pursuant to such an order,))~~ or complying with an order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 or 10.99.100, and any information directly or indirectly derived from such act or testimony, may not be used against the ~~((respondent))~~ person subject to the order in any criminal prosecution under this chapter, chapter 7.105 RCW, or RCW 9A.56.310, or in any criminal prosecution pursuant to which such order to surrender and prohibit weapons was issued, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order. Every such order issued subsequent to the effective date of this section shall contain language consistent with the statutory immunity set forth in this subsection.

(b) If a person subject to such an order invokes the privilege against self-incrimination at the time of issuance of the order or at a subsequent hearing, the court may afford the person subject to the order an opportunity to demonstrate that compliance with the surrender provision of the order would expose that person to a realistic threat of self-incrimination in a subsequent or pending criminal proceeding. The court may conduct this portion of the proceeding ex parte or receive evidence in camera, without the presence of the prosecuting attorney, after the court conducts an analysis under *State v. Bone-Club*, 128 wn.2d 254, and concludes that the courtroom may be closed.

(c) If the person subject to the order establishes such a realistic threat of self-incrimination regarding possible criminal prosecution that is not addressed by the immunity from prosecution set forth in (a) of this subsection, the court shall afford the relevant prosecuting attorney an opportunity to offer an immunity agreement tailored specifically to the firearms or weapons implicated by the potential self-incrimination. To achieve the purposes of this section, any immunity offered should

be narrowly tailored to address any realistic threat of self-incrimination while ensuring that any other firearms not implicated are surrendered.

(d) Any immunity from prosecution beyond the immunity set forth in (a) of this subsection, may only be extended by the prosecuting attorney. If the prosecuting attorney declines to extend immunity such that the person subject to the order cannot fully comply with its surrender provision without facing a realistic threat of self-incrimination, the court's order must provide for the surrender of every firearm, dangerous weapon, and concealed pistol license that does not implicate a realistic threat of self-incrimination. The order's prohibitions regarding accessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons, or concealed pistol license, remain in effect.

(e) Nothing in this section shall be interpreted as diminishing the requirement that the person subject to the order fully comply with the order issued by the court. The burden remains on the person subject to the order to prove compliance.

~~((b))~~ (10) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

~~((4))~~ (11) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

~~((1))~~ (12) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of ex parte and full orders issued under this chapter by each court, ~~(the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures)~~ the type of protection order, no contact order, restraining order, or criminal charge with which the order was issued, the duration of the order, the period of time from issuance of the order until the court's finding of compliance, any violations, the nature of the violations, any sanctions imposed, the number of firearms obtained pursuant to each order, whether subsequent orders were issued involving the same respondent, and may make recommendations regarding additional procedures, training, or data collection and reporting to enhance compliance and victim safety.

Sec. 504. RCW 9.41.804 and 2014 c 111 s 5 are each amended to read as follows:

~~((A party ordered))~~ (1) To prove full compliance with the court's order to surrender firearms, dangerous weapons, and ~~(his or her)~~ any concealed pistol license under RCW 9.41.800 the person subject to the order must file with the clerk of the court ~~((a))~~: (a) A completed proof of surrender and receipt form ~~(or a declaration of nonsurrender form within five judicial days of the entry of the order)~~; (b) a declaration that the person has no firearms, dangerous weapons, or concealed pistol license; or (c) other evidence sufficient to establish full and timely compliance with the order.

(2) The verification of compliance required in subsection (1) of this section must be provided to the court within 48 hours of service of the order, unless the order is pursuant to a criminal proceeding. In a criminal proceeding, if the person subject to the

order is in custody, proof of compliance must be provided to the court before the person subject to the order is released from custody; otherwise, proof of compliance must be provided before the conclusion of the sentencing hearing. If the court finds that surrender of all firearms, dangerous weapons, and any concealed pistol license is not possible prior to release or prior to the conclusion of the hearing, then arrangements for surrender shall be made and approved by the court before the person's release from custody or before the conclusion of the sentencing hearing, and the court shall order a law enforcement officer to accompany the person to the location where the firearms, dangerous weapons, and concealed pistol license are located so that they are surrendered directly to the law enforcement officer. Surrender to local law enforcement shall occur in a safe manner and proof of compliance provided by law enforcement to the court within 24 hours of either the person's release from custody or the conclusion of the sentencing hearing.

(3) By December 30, 2023, the administrative office of the courts shall develop and distribute any new or updated forms necessary to implement subsections (1) and (2) of this section, and other sections of this act where a form needs to be created or updated.

Sec. 505. RCW 7.105.340 and 2022 c 268 s 19 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, or subject to the respondent's immediate possession or control, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The court may, at the same time it issues an order pursuant to this section, also issue an order authorizing the search for and seizure of any firearm, dangerous weapon, or concealed pistol license, if there is probable cause to find that the person subject to the court's order issued pursuant to this section is violating the order by refusing to comply after being served with the order. The court's order authorizing such search and seizure must state with specificity the location and scope of the search and seizure authorized.

(3) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in ~~(his or her)~~ the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent must be provided a copy and further service is not required. If the respondent refuses to accept a copy, an agent of the court may indicate on the record that the respondent refused to accept a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the

NINETY SECOND DAY, APRIL 10, 2023

service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

~~((3))~~ (4) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that ~~((his or her))~~ the officer's law enforcement agency retains a copy of the receipt.

~~((4))~~ (5) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in ~~((his or her))~~ the respondent's possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

~~((5))~~ (6) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

~~((6))~~ (7) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

~~((7))~~ (8)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection ~~((3))~~ (4) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

~~((8))~~ (9)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an

advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

~~((9))~~ (10)(a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

~~((40))~~ (11) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and stored properly to prevent damage or degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

Sec. 506. RCW 10.21.050 and 2018 c 276 s 5 are each amended to read as follows:

The judicial officer in any felony, misdemeanor, or gross misdemeanor case must, in determining whether there are conditions of release that will reasonably assure the safety of any other person and the community, take into account the available information concerning:

(1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence;

(2) The weight of the evidence against the defendant; and

(3) The history and characteristics of the defendant, including:

(a) The ~~((person's))~~ defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings;

(b) Whether, at the time of the current offense or arrest, the defendant was on community supervision, probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal, state, or local law; ~~((and))~~

(c) The nature and seriousness of the danger to any person or the community that would be posed by the defendant's release; and

(d) The defendant's firearms history, including purchase history, any concealed pistol license history, and the requirements of RCW 9.41.800 regarding issuance of an order to surrender and prohibit weapons.

Part VI. Residential Protections

Sec. 601. RCW 40.24.030 and 2022 c 231 s 5 are each amended to read as follows:

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, ~~((as defined in RCW 11.88.010.))~~ (b) any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ~~((family members))~~ person residing with ~~((him or her))~~ the election official, and (c) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) and any criminal justice participant as defined in RCW 9A.90.120

who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ~~((family members))~~ person residing with ~~((him or her))~~ the criminal justice participant, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for ~~((his or her))~~ the applicant's safety or ~~((his or her))~~ the applicant's children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made; (B) that the applicant, as an election official as described in RCW 9A.90.120, is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv); or (C) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the applicant, as a criminal justice participant as defined in RCW 9A.90.120 is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv);

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, or; (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4)(a) During the application process, the secretary of state shall provide each applicant a form to direct the department of licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicaid to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:

(i) Applicant's full legal name;

(ii) Applicant's Washington driver's license or identicaid

NINETY SECOND DAY, APRIL 10, 2023

number;

- (iii) Applicant's date of birth;
- (iv) Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and
- (v) Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.

(b) Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.

(c) Within 30 days of receiving a completed and signed directive, the department of licensing shall update the applicant's address on registration and licensing records.

(d) Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.

(5) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, (b) the safety of any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), or (c) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) or of any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), or any family members residing with ~~(him or her)~~ the criminal justice participant, shall be punished under RCW 40.16.030 or other applicable statutes.

Sec. 602. RCW 42.17A.710 and 2019 c 428 s 36 are each amended to read as follows:

(1) The statement of financial affairs required by RCW 42.17A.700 shall disclose the following information for the reporting individual and each member of the reporting individual's immediate family:

- (a) Occupation, name of employer, and business address;
- (b) Each bank account, savings account, and insurance policy in which a direct financial interest was held that exceeds twenty thousand dollars at any time during the reporting period; each other item of intangible personal property in which a direct financial interest was held that exceeds two thousand dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each direct financial interest during the reporting period;
- (c) The name and address of each creditor to whom the value of two thousand dollars or more was owed; the original amount of each debt to each creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each debt; and the security given, if any, for each such debt. Debts arising from a "retail installment transaction" as defined in chapter 63.14 RCW (retail installment sales act) need not be reported;
- (d) Every public or private office, directorship, and position held as trustee; except that an elected official or executive state officer need not report the elected official's or executive state officer's service on a governmental board, commission, association, or functional equivalent, when such service is part of the elected official's or executive state officer's official duties;
- (e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation. For the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which the person serves

as an elected official or state executive officer or professional staff member for the person's service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid;

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of two thousand dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation;

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and:

(i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in any form in the amount of ten thousand dollars or more during the preceding twelve months and the consideration given or performed in exchange for the compensation. As used in (g)(ii) of this subsection, "compensation" does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service. With respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds two thousand four hundred dollars;

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest;

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration;

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which a direct financial interest was held. If a description of the property has been included in a report

previously filed, the property may be listed, for purposes of this subsection (1)(j), by reference to the previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds twenty thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held;

(l) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(9) (d) and (f) were accepted; and

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2)(a) When judges, prosecutors, sheriffs, participants in the address confidentiality program under RCW 40.24.030, or their immediate family members are required to disclose real property that is the personal residence of the judge, prosecutor, ~~((¶))~~ sheriff, or address confidentiality program participant, the requirements of subsection (1)(h) through (k) of this section may be satisfied for that property by substituting:

(i) The city or town;

(ii) The type of residence, such as a single-family or multifamily residence, and the nature of ownership; and

(iii) Such other identifying information the commission prescribes by rule for the mailing address where the property is located.

(b) Nothing in this subsection relieves the judge, prosecutor, or sheriff of any other applicable obligations to disclose potential conflicts or to recuse oneself.

(3)(a) Where an amount is required to be reported under subsection (1)(a) through (m) of this section, it may be reported within a range as provided in (b) of this subsection.

(b)

Code A	Less than thirty thousand dollars;
Code B	At least thirty thousand dollars, but less than sixty thousand dollars;
Code C	At least sixty thousand dollars, but less than one hundred thousand dollars;
Code D	At least one hundred thousand dollars, but less than two hundred thousand dollars;
Code E	At least two hundred thousand dollars, but less than five hundred thousand dollars;
Code F	At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;
Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

(4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

Sec. 603. RCW 9.41.800 and 2022 c 268 s 29 are each

amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.105 RCW, RCW 9A.40.102, 9A.44.210, 9A.46.080, 9A.88.160, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, ~~((¶))~~ 26.26A.470, or 46.61.5055 shall, upon a showing by a preponderance of the evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, having ~~((in his or her))~~ custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license;

(e) Other than for ex parte temporary protection orders, unless the ex parte temporary protection order was reissued after the party received notice and had an opportunity to be heard, direct law enforcement to revoke any concealed pistol license issued to the party.

(2) During any period of time that the party is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW that:

(a) Was issued after a hearing of which the party received actual notice, and at which the party had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(b) Restrains the party from harassing, stalking, or threatening an intimate partner of the party, the protected person, or child of the intimate partner, party, or protected person, or engaging in other conduct that would place an intimate partner or protected person in reasonable fear of bodily injury to the intimate partner, protected person, or child; and

(c)(i) Includes a finding that the party represents a credible threat to the physical safety of the intimate partner, protected person, or child; or

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner, protected person, or child that would reasonably be expected to cause bodily injury, the court shall:

(A) Require that the party immediately surrender all firearms and other dangerous weapons;

(B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(C) Prohibit the party from accessing, having ~~((in his or her))~~ custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender and prohibit the purchase of all firearms and other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1) and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it

NINETY SECOND DAY, APRIL 10, 2023

finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1) and (4) of this section may be for a period of time less than the duration of the order.

(6) The court shall require the party to surrender all firearms and other dangerous weapons in ~~((his or her immediate))~~ the party's custody, control, or possession ((or control)), or subject to ~~((his or her))~~ the party's immediate possession or control, and any concealed pistol license issued under RCW 9A.10.070, and any law enforcement agency. ~~((Law enforcement officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.))~~ The court may, at the same time it issues an order pursuant to this section, also issue an order authorizing the search for and seizure of any firearm, dangerous weapon, or concealed pistol license, if there is probable cause to find that the party subject to the court's order issued pursuant to this section is violating the order by refusing to comply after being served with the order. The court's order authorizing such search and seizure must state with specificity the location and scope of the search and seizure authorized.

(7) If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section:

(a) The order must be served by a law enforcement officer; ~~((and))~~

(b) Law enforcement must immediately ensure entry of the order to surrender and prohibit weapons and the revocation of any concealed pistol license is made into the appropriate databases making the party ineligible to possess firearms and a concealed pistol license; and

(c) Law enforcement officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.

Part VII. Statewide Resources

NEW SECTION. Sec. 701. A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a pilot program to implement domestic violence high risk teams. A domestic violence high risk team must, at a minimum, include the following four elements:

(a) Early identification of the most dangerous cases through evidence-based lethality assessments;

(b) Increased access to supportive services for high-risk victims;

(c) Increased perpetrator monitoring and accountability; and

(d) A coordinated response to high-risk cases through a multidisciplinary team.

(2) A domestic violence program must be the lead or co-lead of the domestic violence high risk teams.

Part VIII. Law Enforcement

NEW SECTION. Sec. 801. A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission must provide ongoing specialized, intensive, and integrative training for persons responsible for investigating domestic violence cases involving intimate partners. The training must be based on a victim-centered, trauma-informed approach to responding to domestic violence. Among other subjects, the training must include content

on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of domestic violence victimization; require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; address documentation of investigative interviews; and educate investigators on the best practices for notifying victims of significant events in the investigative process.

(3) In developing the training, the commission must seek advice from the Washington association of sheriffs and police chiefs, organizations representing victims of domestic violence, and experts on domestic violence and the neurobiology of trauma. The commission must consult with the Washington association of prosecuting attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with domestic violence victims in the criminal legal system.

(4) The commission must develop the training and begin offering it by January 1, 2025. Officers assigned to regularly investigate domestic violence must complete the training within one year of being assigned or by July 1, 2026, whichever is later.

Sec. 802. RCW 10.31.100 and 2021 c 215 s 118 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order has been issued, of which the person has knowledge, under chapter 7.105 RCW, or an order has been issued, of which the person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46, 9A.88, 10.99, 26.09, ~~((26.10,))~~ 26.26A, 26.26B, or 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of, or entering, a residence, workplace, school, or day care, or prohibiting the person from

knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or requiring the person to submit to electronic monitoring, or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person;

(b) An extreme risk protection order has been issued against the person under chapter 7.105 RCW or former RCW 7.94.040, the person has knowledge of the order, and the person has violated the terms of the order prohibiting the person from having in (~~his or her~~) the person's custody or control, purchasing, possessing, accessing, or receiving a firearm or concealed pistol license;

(c) A foreign protection order, as defined in RCW 26.52.010, or a Canadian domestic violence protection order, as defined in RCW 26.55.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order or the Canadian domestic violence protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or a violation of any provision for which the foreign protection order or the Canadian domestic violence protection order specifically indicates that a violation will be a crime; or

(d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member or intimate partner as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members or intimate partners have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary (~~physical~~) aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to, or death of, a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed, in connection with the accident, a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer, in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an antiharassment protection order has been issued of which the person has knowledge under chapter 7.105 RCW or former chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(5) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person

NINETY SECOND DAY, APRIL 10, 2023

without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

Sec. 803. RCW 36.28A.410 and 2021 c 215 s 147 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall create and operate a statewide automated protected person notification system to automatically notify a registered person via the registered person's choice of telephone or email when a respondent subject to a court order specified in (b) of this subsection has attempted to purchase or acquire a firearm and been denied based on a background check or completed and submitted firearm purchase or transfer application that indicates the respondent is ineligible to possess a firearm under state or federal law. The system must permit a person to register for notification, or a registered person to update the person's registration information, for the statewide automated protected person notification system by calling a toll-free telephone number or by accessing a public website.

(b) The notification requirements of this section apply to any court order issued under chapter 7.105 RCW or former chapter 7.92 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.26A.470, or 26.26B.020, any of the former RCW 7.90.090, 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign protection order filed with a Washington court pursuant to chapter 26.52 RCW, and any Canadian domestic violence protection order filed with a Washington court pursuant to chapter 26.55 RCW, where the order prohibits the respondent from possessing firearms or where by operation of law the respondent is ineligible to possess firearms during the term of the order. The notification requirements of this section apply even if the respondent has notified the Washington state patrol that (~~he or she~~) the respondent has appealed a background check denial under RCW 43.43.823.

(c) The statewide automated protected person notification system must interface with the Washington state patrol, the administrative office of the courts, and any court not contributing data to the administrative office of the courts in real time.

(2) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated protected person notification system in this section, so long as the release or failure to release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to chapter 261, Laws of 2017, including information a person submits to register and participate in the statewide automated protected person notification system, are exempt from public inspection and copying under chapter 42.56 RCW.

NEW SECTION. **Sec. 804.** A new section is added to chapter 2.56 RCW to read as follows:

The administrative office of the courts shall work with the Washington association of sheriffs and police chiefs to develop and maintain an interface to the statewide automated victim information and notification system created under RCW 36.28A.040 and the statewide automated protected person notification system created under RCW 36.28A.410 to provide notifications per RCW 36.28A.040, 36.28A.410, and 7.105.105, and chapter 9.41 RCW. The interface shall provide updated information not less than once per hour, 24 hours per day, seven days per week, without exception.

Part IX. Miscellaneous

NEW SECTION. **Sec. 901.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 902.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "partners;" strike the remainder of the title and insert "amending RCW 7.105.155, 7.105.255, 10.99.033, 10.99.040, 9.41.340, 9.41.345, 9.41.801, 9.41.804, 7.105.340, 10.21.050, 40.24.030, 42.17A.710, 9.41.800, 10.31.100, and 36.28A.410; adding new sections to chapter 2.56 RCW; adding a new section to chapter 2.53 RCW; adding a new section to chapter 7.105 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 43.101 RCW; and creating a new section."

MOTION

Senator Dhingra moved that the following amendment no. 0381 by Senator Dhingra be adopted:

On page 1, beginning on line 6, after "(1)" strike all material through "standards" on line 8 and insert "By June 1, 2024, the Washington courts' board for judicial administration must develop model standards:

(a) Establishing best practices"

On page 1, line 10, after "goal of" strike "implementing best practices to improve" and insert "improving"

On page 1, line 22, after "developing the" strike "rules" and insert "standards"

On page 1, at the beginning of line 23, strike "administrative office of the courts" and insert "Washington courts' board for judicial administration"

On page 1, line 28, after "(3) The" strike "administrative office of the courts" and insert "Washington courts' board for judicial administration"

On page 2, line 25, after "advisory" strike "council" and insert "committee"

Senator Dhingra spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0381 by Senator Dhingra on page 1, line 6 to the committee striking amendment.

The motion by Senator Dhingra carried and amendment no. 0381 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Salomon and without objection,

amendment no. 0405 by Senator Salomon on page 3, line 19 to Engrossed Second Substitute House Bill No. 1715 was withdrawn.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 1715.

The motion by Senator Dhingra carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Second Substitute House Bill No. 1715 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.

Senator Wilson, L. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1715 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1715 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Cleveland, Conway, Dhingra, Frame, Gildon, Hasegawa, Hawkins, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Dozier, Fortunato, Holy, McCune, Padden, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498, by House Committee on Agriculture and Natural Resources (originally sponsored by Dye, Dent, Christian, Schmidt, Eslick, Graham and Volz)

Concerning aviation assurance funding in response to wildland fires.

The measure was read the second time.

MOTION

Senator Salomon moved that the following committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the

following:

NEW SECTION. **Sec. 1.** (1) Local and tribal fire departments in the state of Washington serve as frontline responders to wildland fires. The fire chief of each local fire department with jurisdiction over wildland fires is tasked with making rapid decisions, especially during the summer months when weather conditions can cause fires to rapidly enlarge. Flashy fuels, especially during times of low humidity, can be ignited by a single spark and erupt into a rapidly moving incident that can quickly destroy rangelands, ripe dryland crops, and timberlands.

(2) Local fire departments need immediate access to local aviation resources that are certified to fly and drop fire retardants and water to suppress or extinguish wildland fires quickly. The use of aviation assets has proven to be a valuable tool to prevent many wildland fires from growing large and requiring the response of state mobilization and prevent the deployment of state and federal fire agencies and their mobilization partner agencies.

(3) Further, the strategic use of aviation assets in initial attack, or at times when conditions on the ground may warrant additional air support, can prevent fires from becoming uncontrollable. Local fire departments that use aviation assets on initial attack can prevent most fires from requiring a state mobilization. Providing financial assurances for local fire departments to deploy aviation assets will provide greater protection to our state's natural resources, air quality, and communities.

(4) The legislature intends to provide suppression funding to the department of natural resources to support local fire departments in the use of aviation resources certified and trained to operate in wildland fires and drop fire retardant or water to suppress or extinguish fires as an initial attack strategy. Deployment and air operations command will be conducted at the direction of trained air operations commanders.

(5) The legislature intends to authorize the department of natural resources to provide aviation resources to local fire departments statewide for use during the initial attack of wildland fires in order to provide assurance that local fire departments will have sufficient financial capacity to effectively control wildland fires throughout the length of the fire season. Having assurance that local fire departments can afford to use aircraft under conditions that would warrant their use and at the discretion of the local fire department chief will incentivize the use of aircraft more quickly in order to rapidly suppress the fire and minimize damage to lands, resources, and structures, while protecting regional air quality.

NEW SECTION. **Sec. 2.** A new section is added to chapter 76.04 RCW to read as follows:

(1) The department shall prepare and submit, consistent with RCW 43.01.036, an appendix on aviation usage by local fire departments for initial attack as a part of its annual wildfire report to the standing committees of the legislature with jurisdiction over wildland firefighting. The department shall submit the report by December 1st of each year. The report must address, at a minimum, the following topics:

(a) The dollar value of funding utilized by local fire departments for initial attack aviation during the year;

(b) The specific local fire departments that utilized this funding during the year;

(c) The wildland fires on which suppression funding was utilized to provide local fire departments initial attack aviation resources during the year, including names, locations, and sizes of fires, and amount of funding utilized on each of the fires; and

(d) A review of lessons learned related to aviation use by local fire departments for initial attack based on the preceding fire season, along with recommendations for future improvements to

NINETY SECOND DAY, APRIL 10, 2023

the wildland fire response process based on the lessons learned.

(2) The department shall consult with the state fire defense committee, fire service representatives, and the state fire marshal's office annually to review aviation program performance and determine aviation needs for the following fire year.

NEW SECTION. Sec. 3. A new section is added to chapter 76.04 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must use suppression funding to assist local fire departments with aerial fire response capabilities during the critical initial attack phase of fighting a wildland fire.

(2) The department must use suppression funding to assist local fire departments with initial attacks that meet the following requirements:

(a) The local fire department must have entered into a response agreement with the department;

(b) The local fire department must provide documentation to the department that personnel have received training regarding the use of aviation assets in initial attack and criteria to use for determining when to call for aviation assets;

(c) The aviation assets used in initial attack must come from a list of private contractors approved by the department on exclusive use or call-when-needed agreements based upon the annual review of aviation response and aviation needs required in section 2(2) of this act;

(d) Local fire departments must make direct requests to the appropriate coordination center, including the central Washington interagency coordination center, the northeast Washington interagency coordination center, the Blue Mountain interagency coordination center, or the department of natural resources coordination center, in order to ensure the safe coordination of all aircraft; and

(e) Upon receiving a request for aviation assets under this section, the coordinating agency must notify the director of fire protection or that individual's designee to ensure operational knowledge of a potential future request to invoke the fire service mobilization plan under RCW 43.43.960.

NEW SECTION. Sec. 4. (1) The department of natural resources shall convene a work group composed of wildfire aviation subject matter experts, fire service representatives from the Washington fire chiefs association, the Washington state council of firefighters, the Washington state firefighters' association, the Washington state fire commissioners association, wildland fire management staff, and other partners to evaluate the costs and benefits of a state certification program for aircraft and pilots used in wildfire suppression.

(2) The department of natural resources shall include the findings of the work group in a report to be submitted to the wildfire advisory committee and appropriate committees of the legislature by December 1, 2025.

NEW SECTION. Sec. 5. This act expires July 1, 2027."

On page 1, line 2 of the title, after "fires;" strike the remainder of the title and insert "adding new sections to chapter 76.04 RCW; creating new sections; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to Engrossed Substitute House Bill No. 1498.

The motion by Senator Salomon carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Salomon, the rules were suspended,

Engrossed Substitute House Bill No. 1498 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1498 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1498 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1188, by House Committee on Appropriations (originally sponsored by Senn, Taylor, Reed, Leavitt, Callan, Macri, Simmons, Timmons, Chopp, Lekanoff, Couture, Gregerson, Thai, Wylie, Stonier, Schmick, Santos, Pollet, Kloba, Eslick and Ormsby)

Concerning individuals with developmental disabilities that have also received child welfare services.

The measure was read the second time.

MOTION

Senator Wilson, C. moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.88C.010 and 2022 c 219 s 2 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment

of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) By January 1, 2023, the caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) Beginning with the official forecast submitted in November 2022 and subject to the availability of amounts appropriated for this specific purpose, the caseload forecast council shall forecast the number of individuals who are assessed as eligible for and have requested supported living services, a service through the core waiver, an individual and family services waiver, and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(11) As a courtesy, beginning with the official forecast

submitted in November 2022, the caseload forecast council shall forecast the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration.

(12) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(13) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(14) The caseload forecast council shall forecast the number of individuals who are functionally and financially eligible for medicaid waiver services administered by the developmental disabilities administration who also meet the criteria outlined in RCW 71A.12.370 and are expected to utilize a medicaid waiver service.

(15) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

~~((15))~~ (16) During the 2021-2023 fiscal biennium, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

Sec. 2. RCW 43.88.058 and 2021 c 334 s 1904 are each amended to read as follows:

For the purposes of this chapter, expenditures for the following ~~((foster care, adoption support and related services, and child protective))~~ services must be forecasted and budgeted as maintenance level costs:

(1) Behavioral rehabilitation services placements;

(2) Social worker and related staff to receive, refer, and respond to screened-in reports of child abuse or neglect ~~((, except in fiscal year 2021))~~;

(3) Court-ordered parent-child and sibling visitations delivered by contractors; ~~((and))~~

(4) Those activities currently being treated as maintenance level costs for budgeting or forecasting purposes on June 7, 2018, including, but not limited to: (a) Adoption support and other adoption-related expenses; (b) foster care maintenance payments; (c) child-placing agency management fees; (d) support goods such as clothing vouchers; (e) child aides; and (f) child care for children in foster or relative placements when the caregiver is at work or in school; and

(5) Developmental disability waiver slots that are anticipated to be utilized by individuals eligible for a medicaid waiver service under RCW 71A.12.370.

Sec. 3. RCW 71A.24.005 and 2009 c 194 s 1 are each amended to read as follows:

(1) The legislature recognizes that the number of children who have developmental disabilities along with intense behaviors is increasing, and more families are seeking out-of-home placement for their children.

(2) The legislature intends to create services and to develop supports for these children, family members, and others involved in the children's lives to avoid disruption to families ~~((and eliminate))~~, help prevent the need for out-of-home placement, and supplement the child welfare services a child may be receiving from the department of children, youth, and families.

(3) The legislature directs the department to maintain a federal waiver through which services may be provided to allow children with developmental disabilities and intense behaviors to maintain permanent and stable familial relationships. The legislature intends for these services to be locally based and offered as early as possible to avoid family disruption and out-of-home

NINETY SECOND DAY, APRIL 10, 2023

placement, but also offered to children in out-of-home placement when necessary.

Sec. 4. RCW 71A.24.010 and 2009 c 194 s 2 are each amended to read as follows:

(1) To the extent funding is appropriated for this purpose, intensive behavior support services may be provided by the department, directly or by contract, to children who have developmental disabilities and intense behaviors and to their families.

(2) The department shall be the lead administrative agency for children's intensive behavior support services and shall:

(a) Collaborate with appropriate parties to develop and implement the intensive in-home support services program within the division of developmental disabilities;

(b) Use best practices and evidence-based practices;

(c) Provide coordination and planning for the implementation and expansion of intensive in-home services;

(d) Contract for the provision of intensive in-home and planned out-of-home services;

(e) Monitor and evaluate services to determine whether the program meets standards identified in the service contracts;

(f) Collect data regarding the number of families served, and costs and outcomes of the program;

(g) Adopt appropriate rules to implement the program;

(h) License out-of-home respite placements on a timely basis; and

(i) Maintain an appropriate staff-to-client ratio.

(3) A child may receive intensive behavior support services when the department has determined that:

(a) The child is under the age of twenty-one;

(b) The child has a developmental disability and has been determined eligible for these services;

(c) The child/family acuity scores are high enough in the assessment conducted by the division of developmental disabilities to indicate the child's behavior puts the child or family at significant risk or is very likely to require an out-of-home placement;

(d) The child meets eligibility for the home and community-based care waiver;

(e) The child resides in his or her family home or is ~~((temporarily))~~ in an out-of-home placement ~~((with a plan to return home)); and~~

(f) The family agrees to participate in the program and complete the care and support steps outlined in the completed individual support plan~~((; and~~

~~((g) The family is not subject to an unresolved child protective services referral)).~~

NEW SECTION. Sec. 5. A new section is added to chapter 71A.12 RCW to read as follows:

(1) No later than January 1, 2024, the department shall submit to the federal government a request for approval to modify eligibility requirements for the services provided through a medicaid waiver administered by the department to include eligible individuals as specified in RCW 71A.12.370. To the extent consistent with federal law and federal funding requirements, the department shall provide services to eligible individuals as specified in RCW 71A.12.370 through a medicaid waiver administered by the department beginning no later than December 1, 2024.

(2)(a) The legislature recognizes that children and youth with developmental disabilities who are subject to a dependency have unique support needs. To this end, the legislature intends to explore establishing a new medicaid waiver for this population.

(b) By December 1, 2025, the department shall submit a report to the governor and the appropriate committees of the legislature

on the feasibility of establishing a new medicaid waiver tailored to meet the needs of dependent children and youth with developmental disabilities who are age 20 or younger and who meet the criteria identified in RCW 71A.12.370(1) and cannot be adequately served through one of the five medicaid waivers administered by the department as of the effective date of this section. The services provided in this waiver shall supplement, and not supplant, the child welfare services and supports a child or youth is entitled to or receives under Title IV-E of the social security act from the department of children, youth, and families, and may not duplicate services or supports available through other funding sources. The report must include:

(i) A comprehensive list and description of the services anticipated to be included in the new waiver and the associated costs by each age group;

(ii) Information on approaches taken by other states to serve children and youth in dependencies with developmental disabilities; and

(iii) Information on the outcome of services being provided under the amended waivers referenced in subsection (1) of this section.

(3) The department shall be the lead administrative agency for the waiver design for dependent children and youth and shall collaborate with the department of children, youth, and families and other relevant stakeholders to identify the services and supports currently provided to dependent children and youth and identify services and supports that will supplement supports already provided. The department of children, youth, and families shall provide to the department all information and data that is necessary for the department to determine eligibility for services, to provide appropriate and timely services and supports to qualifying children and youth, to implement and maintain compliance with federal funding requirements, and to complete design of the new waiver.

Sec. 6. RCW 71A.12.370 and 2021 c 56 s 4 are each amended to read as follows:

~~((When there is funded capacity for services))~~ (1) Services provided through a medicaid waiver administered by the department, ((and)) to the extent consistent with federal law and federal funding requirements, ((priority for that waiver)) shall be provided to eligible individuals who ((exited)) meet the following criteria on or after the effective date of this section:

(a)(i) Are subject to a dependency;

(ii) Are receiving extended foster care services as defined in RCW 74.13.020; or

(iii) Exited a dependency ((proceeding under chapter 13.34 RCW within the last two years)) or discontinued extended foster care services as defined in RCW 74.13.020; and

(b) Will begin receiving waiver services prior to the individual's 25th birthday.

(2) Persons meeting the criteria in subsection (1) of this section who are receiving services under the children's intensive behavioral support services waiver under RCW 71A.24.010 must be immediately transferred to a different waiver without a break in waiver coverage when, based on their age, they no longer qualify for the waiver under which they have been receiving services.

(3) For purposes of this section, a "dependency" includes both a dependency under chapter 13.34 RCW and circumstances in which an Indian child is in the custody of a federally recognized Indian tribe as defined in RCW 43.376.010 or the tribe's placing agency.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations

act, this act is null and void."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 43.88C.010, 43.88.058, 71A.24.005, 71A.24.010, and 71A.12.370; adding a new section to chapter 71A.12 RCW; and creating a new section."

Senator Boehnke spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1188.

The motion by Senator Wilson, C. carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Second Substitute House Bill No. 1188 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Boehnke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1188 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1188 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1188, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1501, by House Committee on Community Safety, Justice, & Reentry (originally sponsored by Steele, Calder, Santos, Leavitt, Schmidt, Eslick, Orwall, Reeves and Graham)

Authorizing additional counseling services for immediate family members of homicide victims.

The measure was read the second time.

MOTION

On motion of Senator Boehnke, the rules were suspended, Substitute House Bill No. 1501 was advanced to third reading, the second reading considered the third and the bill was placed on

final passage.

Senators Boehnke, Wilson, C. and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1501.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1501 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:53 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease for the purposes of a brief break for the officers and staff at the rostrum.

The Senate was called to order at 4:58 p.m. by the President of the Senate, Lt. Governor Heck presiding.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1447, by House Committee on Appropriations (originally sponsored by Peterson, Gregerson, Berry, Taylor, Simmons, Ortiz-Self, Ryu, Reed, Kloba, Doglio, Ormsby, Thai, Fosse, Pollet, Macri, Alvarado and Leavitt)

Strengthening the ability of assistance programs to meet foundational needs of children, adults, and families.

The measure was read the second time.

MOTION

Senator Wilson, C. moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.04.005 and 2020 c 136 s 1 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Aged, blind, or disabled assistance program" means the program established under RCW 74.62.030.

(2) "Applicant" means any person who has made a request, or on behalf of whom a request has been made, to any county or local

NINETY SECOND DAY, APRIL 10, 2023

office for assistance.

(3) "Authority" means the health care authority.

(4) "County or local office" means the administrative office for one or more counties or designated service areas.

(5) "Department" means the department of social and health services.

(6) "Director" means the director of the health care authority.

(7) "Essential needs and housing support program" means the program established in RCW 43.185C.220.

(8) "Federal aid assistance" means the specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(9) "Income" means:

(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance or to aid in rehabilitating him or her or his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(10) "Need" means the difference between the applicant's or recipient's standards of assistance for himself or herself and the dependent members of his or her family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his or her family.

(11) "Public assistance" or "assistance" means public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, benefits under RCW 74.62.030 and 43.185C.220, and federal aid assistance.

(12) "Recipient" means any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(13) "Resource" means any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent. The department may by rule designate resources that an applicant may retain and not be ineligible for public assistance because of such resources. Exempt resources shall include, but are not limited to:

(a) A home that an applicant, recipient, or their dependents is living in, including the surrounding property;

(b) Household furnishings and personal effects;

(c) One motor vehicle, other than a motor home, that is used and useful (~~having an equity value not to exceed ten thousand dollars~~);

(d) A motor vehicle necessary to transport a household member with a physical disability. This exclusion is limited to one vehicle per person with a physical disability;

(e) Retirement funds, pension plans, and retirement accounts;

(f) All other resources, including any excess of values exempted, not to exceed (~~six thousand dollars~~) \$8,000 or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance;

(~~(g)~~) (g) Applicants for or recipients of benefits under RCW 74.62.030 and 43.185C.220 shall have their eligibility based on resource limitations consistent with the temporary assistance for needy families program rules adopted by the department; and

(~~(h)~~) (h) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property if:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(14) "Secretary" means the secretary of social and health services.

(15) "Standards of assistance" means the level of income required by an applicant or recipient to maintain a level of living specified by the department.

(16)(a) "Victim of human trafficking" means a noncitizen and any qualifying family members who have:

(i) Filed or are preparing to file an application for T nonimmigrant status with the appropriate federal agency pursuant to 8 U.S.C. Sec. 1101(a)(15)(T), as it existed on January 1, 2020;

(ii) Filed or are preparing to file an application with the appropriate federal agency for status pursuant to 8 U.S.C. Sec. 1101(a)(15)(U), as it existed on January 1, 2020; or

(iii) Been harmed by either any violation of chapter 9A.40 or 9.68A RCW, or both, or by substantially similar crimes under federal law or the laws of any other state, and who:

(A) Are otherwise taking steps to meet the conditions for federal benefits eligibility under 22 U.S.C. Sec. 7105, as it existed on January 1, 2020; or

(B) Have filed or are preparing to file an application with the appropriate federal agency for status under 8 U.S.C. Sec. 1158.

(b)(i) "Qualifying family member" means:

(A) A victim's spouse and children; and

(B) When the victim is under (~~twenty-one~~) 21 years of age, a victim's parents and unmarried siblings under the age of (~~eighteen~~) 18.

(ii) "Qualifying family member" does not include a family member who has been charged with or convicted of attempt, conspiracy, solicitation, or commission of any crime referenced

in this subsection or described under 8 U.S.C. Sec. 1101(a)(15)(T) or (U) as either existed on January 1, 2020, when the crime is against a spouse who is a victim of human trafficking or against the child of a victim of human trafficking.

(17) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(18) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders, and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 2. RCW 74.08A.010 and 2022 c 24 s 1 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for ~~((sixty))~~ 60 months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

~~(3) ((The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.~~

~~(4))~~ The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

~~((5)(a))~~ (4) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

~~((4))~~ (a) By reason of hardship, including when:

~~((A))~~ (i) The recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020;

~~((B))~~ (ii) The recipient received temporary assistance for needy families during a month on or after March 1, 2020, when Washington state's unemployment rate as published by the Washington employment security department was equal to or greater than seven percent, and the recipient is otherwise eligible for temporary assistance for needy families except that they have exceeded 60 months. The extension provided for under this subsection ~~((5))~~ (4)(a)~~((i)(B))~~ (ii) is equal to the number of months that the recipient received temporary assistance for needy families during a month on or after March 1, 2020, when the unemployment rate was equal to or greater than seven percent, and is applied sequentially to any other hardship extensions that may apply under this subsection ~~((5))~~ (4) or in rule; or

~~((C))~~ (iii) Beginning July 1, 2022, the Washington state unemployment rate most recently published by the Washington employment security department is equal to or greater than seven percent; or

~~((4))~~ (b) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

~~((b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.~~

~~((6))~~ (5) The department shall not exempt a recipient and his or her family from the application of subsection (1) ~~((or (3)))~~ of this section until after the recipient has received ~~((fifty-two))~~ 52 months of assistance under this chapter.

~~((7))~~ (6) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

~~((8))~~ (7) The department may adopt rules specifying which published employment security department unemployment rates to use for the purposes of subsection ~~((5))~~ (4)(a)~~((i)(B) and (C))~~ (i) and (iii) of this section.

Sec. 3. RCW 74.08A.010 and 2022 c 98 s 1 and 2022 c 24 s 1 are each reenacted and amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for ~~((sixty))~~ 60 months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

~~(3) ((The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.~~

~~(4))~~ The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

~~((5)(a))~~ (4) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

~~((4))~~ (a) By reason of hardship, including when:

~~((A))~~ (i) The recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020;

~~((B))~~ (ii) The recipient received temporary assistance for needy families during a month on or after March 1, 2020, when Washington state's unemployment rate as published by the Washington employment security department was equal to or greater than seven percent, and the recipient is otherwise eligible for temporary assistance for needy families except that they have exceeded 60 months. The extension provided for under this subsection ~~((5))~~ (4)(a)~~((i)(B))~~ (ii) is equal to the number of months that the recipient received temporary assistance for needy families during a month on or after March 1, 2020, when the unemployment rate was equal to or greater than seven percent,

NINETY SECOND DAY, APRIL 10, 2023

and is applied sequentially to any other hardship extensions that may apply under this subsection ~~((5))~~ (4) or in rule; or

~~((C))~~ (iii) Beginning July 1, 2022, the Washington state unemployment rate most recently published by the Washington employment security department is equal to or greater than seven percent; or

~~((iii))~~ (b) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

~~((b)) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.~~

~~((6))~~ (5) The department shall not exempt a recipient and his or her family from the application of subsection (1) ~~((or (3)))~~ of this section until after the recipient has received ~~((fifty-two))~~ 52 months of assistance under this chapter.

~~((7))~~ (6) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in full-family sanction status. If a member of a household has been sanctioned but the household is still receiving benefits, the remaining eligible household members may receive transitional food assistance. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

~~((8))~~ (7) The department may adopt rules specifying which published employment security department unemployment rates to use for the purposes of subsection ~~((5))~~ (4)(a) ~~((i)(B) and (C))~~ (ii) and (iii) of this section.

Sec. 4. RCW 74.08A.015 and 2021 c 239 s 3 are each amended to read as follows:

All families who have received temporary assistance for needy families since March 1, 2020, are eligible for the extension under RCW 74.08A.010 ~~((5))~~ (4)(a) ~~((i)(B))~~ (ii), regardless of whether they are current recipients. Eligible families shall only receive temporary assistance for needy families benefits that accrue after July 25, 2021.

Sec. 5. RCW 74.08A.230 and 1997 c 58 s 308 are each amended to read as follows:

(1) In addition to their monthly benefit payment, a family may earn and keep the first \$250 of the family's earnings in addition to one-half of ~~((its))~~ the family's remaining earnings during every month it is eligible to receive assistance under this section.

(2) In no event may a family be eligible for temporary assistance for needy families if its monthly gross earned income exceeds the maximum earned income level as set by the department. In calculating a household's gross earnings, the department shall disregard the earnings of a minor child who is:

(a) A full-time student; or

(b) A part-time student carrying at least half the normal school load and working fewer than ~~((thirty-five))~~ 35 hours per week.

Sec. 6. RCW 74.08A.250 and 2019 c 343 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, as used in this chapter, "work activity" means:

(1) Unsubsidized paid employment in the private or public sector;

(2) Subsidized paid employment in the private or public sector, including employment through the state or federal work-study program for a period not to exceed ~~((twenty-four))~~ 24 months;

(3) Work experience, including:

(a) An internship or practicum, that is paid or unpaid and is required to complete a course of vocational training or to obtain a

license or certificate in a high-demand occupation, as determined by the employment security department. No internship or practicum shall exceed ~~((twelve))~~ 12 months; or

(b) Work associated with the refurbishing of publicly assisted housing, if sufficient paid employment is not available;

(4) On-the-job training;

(5) Job search and job readiness assistance;

(6) Community service programs, including a recipient's voluntary service at a child care or preschool facility licensed under chapter 43.216 RCW or an elementary school in which his or her child is enrolled;

(7) Vocational educational training, not to exceed ~~((twelve))~~ 12 months with respect to any individual except that this ~~((twelve-month))~~ 12-month limit may be increased to ~~((twenty-four))~~ 24 months subject to funding appropriated specifically for this purpose;

(8) Job skills training directly related to employment;

(9) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a high school equivalency certificate as provided in RCW 28B.50.536;

(10) Satisfactory attendance at secondary school or in a course of study leading to a high school equivalency certificate as provided in RCW 28B.50.536, in the case of a recipient who has not completed secondary school or received such a certificate;

(11) The provision of child care services to an individual who is participating in a community service program;

(12) Internships, that shall be paid or unpaid work experience performed by an intern in a business, industry, or government or nongovernmental agency setting;

(13) Practicums, which include any educational program in which a student is working under the close supervision of a professional in an agency, clinic, or other professional practice setting for purposes of advancing their skills and knowledge;

(14) Services required by the recipient under RCW 74.08.025(2) and 74.08A.010 ~~((4))~~ (3) to become employable;

(15) Financial literacy activities designed to be effective in assisting a recipient in becoming self-sufficient and financially stable; and

(16) Parent education services or programs that support development of appropriate parenting skills, life skills, and employment-related competencies.

Sec. 7. RCW 74.08A.270 and 2017 3rd sp.s. c 21 s 2 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include situations where: (a) ~~((Situations where the))~~ The recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; ~~((or))~~ (b) the recipient is a parent with a child under the age of two years; or (c) the recipient is experiencing a hardship as defined by the department in rule.

(2) A parent claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section may be required to participate in one or more of the following, up to a maximum total of twenty hours per week, if such treatment, services, or training is indicated by the comprehensive evaluation or other assessment:

(a) Mental health treatment;

(b) Alcohol or drug treatment;

(c) Domestic violence services; or

(d) Parenting education or parenting skills training, if available.

(3) The department shall: (a) Work with a parent claiming a

good cause exemption under subsection (1)(b) of this section to identify and access programs and services designed to improve parenting skills and promote child well-being, including but not limited to home visitation programs and services; and (b) provide information on the availability of home visitation services to temporary assistance for needy families caseworkers, who shall inform clients of the availability of the services. If desired by the client, the caseworker shall facilitate appropriate referrals to providers of home visitation services.

(4) Nothing in this section shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

(5) A parent is eligible for a good cause exemption under subsection (1)(b) of this section for a maximum total of ~~((twenty-four))~~ 24 months over the parent's lifetime.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 9. Section 2 of 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 July 1, 2023.

NEW SECTION. Sec. 10. Section 2 of this act expires January 1, 2024.

NEW SECTION. Sec. 11. Section 3 of this act takes effect January 1, 2024.

NEW SECTION. Sec. 12. Section 1 of this act takes effect February 1, 2024.

NEW SECTION. Sec. 13. Section 5 of this act takes effect August 1, 2024."

On page 1, line 3 of the title, after "families;" strike the remainder of the title and insert "amending RCW 74.04.005, 74.08A.010, 74.08A.015, 74.08A.230, 74.08A.250, and 74.08A.270; reenacting and amending RCW 74.08A.010; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency."

MOTION

Senator Wilson, C. moved that the following amendment no. 0402 by Senator Wilson, C. be adopted:

On page 11, after line 27, insert the following:

"**Sec. 8.** RCW 74.04.266 and 2011 1st sp.s. c 36 s 21 are each amended to read as follows:

In determining need for aged, blind, or disabled assistance, and medical care services, the department may by rule and regulation establish a monthly earned income exemption ~~((in an amount not to exceed the exemption allowable under disability programs authorized in Title XVI of the federal social security act))~~ as provided for in RCW 74.08A.230."

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

On page 12, line 9, after "74.08A.250," strike "and 74.08A.270" and insert "74.08A.270, and 74.04.226"

Senators Wilson, C. and Boehnke spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0402 by Senator Wilson, C. on page 11, after line 27 to the committee striking amendment.

The motion by Senator Wilson, C. carried and amendment no. 0402 was adopted by voice vote.

The President declared the question before the Senate to be the

adoption of the committee striking amendment by the Committee on Ways & Means as amended to Second Substitute House Bill No. 1447.

The motion by Senator Wilson, C. carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Second Substitute House Bill No. 1447 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wilson, C. spoke in favor of passage of the bill.

Senator Boehnke spoke against passage of the bill.

MOTION

On motion of Senator Nobles, Senator Mullet was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1447 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1447 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Mullet

SECOND SUBSTITUTE HOUSE BILL NO. 1447, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1638, by House Committee on Transportation (originally sponsored by Fey, Barkis, Robertson, Lekanoff, Schmidt, Ramel, Duerr, Timmons, Eslick and Jacobsen)

Creating a state trooper expedited recruitment incentive program.

The measure was read the second time.

MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the Washington state patrol is experiencing historic levels of trooper

NINETY SECOND DAY, APRIL 10, 2023

vacancies, with almost 30 percent of trooper positions unfilled. At the same time, Washington is experiencing alarming increases in serious and fatal crashes on our roadways. The legislature recognizes that the Washington state patrol is working on strengthening its recruiting efforts, with a focus on broadening outreach to candidates from marginalized communities. This historic confluence of factors justifies extraordinary measures to assist the Washington state patrol in its efforts to attract and retain sufficient numbers of troopers for the protection of the citizens of the state of Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 43.43 RCW to read as follows:

(1) The Washington state patrol shall develop and implement a state trooper expedited recruitment incentive program for the purpose of recruiting and filling vacant trooper positions. Recruitment must redouble the effort to create a more diverse workforce and must also provide an accelerated pathway for joining the state patrol for individuals who have previously been employed as a general authority peace officer.

(2) The state trooper expedited recruitment incentive program established by the Washington state patrol may include:

(a) Hiring procedures and an accelerated training program for lateral hires from other agencies that recognizes the knowledge and experience of candidates previously employed in law enforcement; and

(b) A sign-on bonus or other bonus for each trooper hired through the expedited recruitment incentive program.

(3) The establishment of the state trooper expedited recruitment incentive program is subject to a change to the applicable collective bargaining agreements negotiated with the exclusive bargaining representatives.

(4) This section does not interfere with, impede, or in any way diminish the right of the officers of the Washington state patrol to bargain collectively with the state through the exclusive bargaining representatives as provided for in RCW 41.56.473.

(5) Expenditures and eligibility for the state trooper expedited recruitment incentive program established in this section are subject to the availability of amounts appropriated for this specific purpose. The specific amounts, requirements, and other provisions related to the bonus policy for cadet hires or lateral hires are subject to applicable provisions as set forth in an omnibus transportation appropriations act.

(6) For the purposes of this section:

(a) "Cadet" means a person employed for the express purpose of receiving the on-the-job training required for attendance at the Washington state patrol academy and for becoming a commissioned trooper.

(b) "Lateral hire" means an eligible employee previously employed as a general authority peace officer.

NEW SECTION. Sec. 3. 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."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 43.43 RCW; creating a new section; and declaring an emergency."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1638.

The motion by Senator Liias carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 1638 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1638 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1638 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Mullet

SUBSTITUTE HOUSE BILL NO. 1638, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1838, by House Committee on Transportation (originally sponsored by Fey, Barkis, Berg and Ortiz-Self)

Transferring the responsibilities for the transportation revenue forecast for the transportation budget to the economic and revenue forecast council.

The measure was read the second time.

MOTION

Senator Rolfes moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.33.010 and 2012 1st sp.s. c 8 s 2 are each amended to read as follows:

(1)(a) The economic and revenue forecast council is hereby created. The council shall consist of ~~((two individuals appointed by the governor, the state treasurer, and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives.))~~ the following members:

(i) The director of the office of financial management;

(ii) The director of the department of revenue;

(iii) The state treasurer;

(iv) The chair and ranking member of the house finance committee; and

(v) The chair and ranking member of the senate ways and means committee.

(b) The chair of the council shall be selected from among the ~~((four caucus appointees))~~ legislative members of the council identified in (a)(iv) and (v) of this subsection. The council may select such other officers as the members deem necessary.

(2) The council shall employ an economic ~~((and))~~ revenue, and transportation revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts, transportation revenue forecasts under section 3 of this act, and the presentation of state budget outlooks under section 2 of this act. As used in this chapter, "supervisor" means the economic and revenue forecast supervisor. Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(3) The economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least five members, the official, optimistic, and pessimistic state economic and revenue forecasts prepared under RCW 82.33.020. If the council is unable to approve a forecast before a date required in RCW 82.33.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

~~(4) ((The economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least five members, the state budget outlook prepared under RCW 82.33.060. If the council is unable to approve a state budget outlook before a date required in RCW 82.33.060, the supervisor shall submit the outlook prepared under RCW 82.33.060 without approval and the outlook shall have the same effect as if approved by the council.~~

~~(5))~~ A councilmember who does not cast an affirmative vote for approval of the official economic and revenue forecast ~~((or the state budget outlook))~~ may request, and the supervisor shall provide, an alternative economic and revenue forecast ~~((or state budget outlook))~~ based on assumptions specified by the member including, for purposes of the state budget outlook, revenues to and expenditures from additional funds.

~~((6))~~ (5) Members of the economic and revenue forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. A new section is added to chapter 82.33 RCW to read as follows:

(1)(a) The budget outlook council is hereby created. The council shall consist of the following members:

- (i) The director of the office of financial management;
- (ii) The director of the department of revenue;
- (iii) The state treasurer;
- (iv) The chair and ranking member of the house appropriations committee; and
- (v) The chair and ranking member of the senate ways and means committee.

(b) The chair of the council shall be selected from among the legislative members of the council identified in (a)(iv) and (v) of this subsection. The council may select such other officers as the members deem necessary.

(2) The budget outlook council shall oversee the preparation of and approve, by an affirmative vote of at least five members, the

state budget outlook prepared under RCW 82.33.060. If the council is unable to approve a state budget outlook before a date required in RCW 82.33.060, the supervisor shall submit the outlook prepared under RCW 82.33.060 without approval and the outlook shall have the same effect as if approved by the council.

(3) A councilmember who does not cast an affirmative vote for approval of the state budget outlook may request, and the supervisor shall provide, an alternative state budget outlook based on assumptions specified by the member including, revenues to and expenditures from additional funds.

(4) Members of the budget outlook council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 3. A new section is added to chapter 82.33 RCW to read as follows:

(1)(a) The transportation economic and revenue forecast council is hereby created. The council shall consist of the following members:

- (i) The director of the office of financial management;
- (ii) The director of the department of licensing;
- (iii) The state treasurer;
- (iv) The chair and ranking member of the house transportation committee; and
- (v) The chair and ranking member of the senate transportation committee.

(b) The chair of the council shall be selected from among the legislative members of the council identified in (a)(iv) and (v) of this subsection. The council may select such other officers as the members deem necessary.

(2) The council shall work with the economic and revenue forecast supervisor identified under RCW 82.33.010 to supervise the preparation of all transportation economic and revenue forecasts. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(3)(a) The transportation economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least five members, the official, optimistic, and pessimistic transportation economic and revenue forecasts prepared under RCW 82.33.020.

(b) If the council is unable to approve a forecast before a date required in RCW 82.33.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(4) A councilmember who does not cast an affirmative vote for approval of the official transportation economic and revenue forecast may request, and the supervisor shall provide, an alternative economic and revenue forecast based on assumptions specified by the member.

(5) Members of the transportation economic and revenue forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 4. RCW 82.33.060 and 2020 c 218 s 5 are each amended to read as follows:

(1) To facilitate compliance with, and subject to the terms of, RCW 43.88.055 and 43.88.030, the state budget outlook work group shall prepare, subject to the approval of the ~~((economic and revenue forecast))~~ budget outlook council under ~~((RCW~~

NINETY SECOND DAY, APRIL 10, 2023

~~82.33.010~~) section 2 of this act, an official state budget outlook for state revenues and expenditures for the general fund and related funds. The revenue and caseload projections used in the outlook must reflect the most recent official forecasts adopted by the economic and revenue forecast council and the caseload forecast council for the years for which those forecasts are available.

(2) The outlook must:

(a) Estimate revenues to and expenditures from the state general fund and related funds. The estimate of ensuing biennium expenditures must include maintenance items including, but not limited to, continuation of current programs, forecasted growth of current entitlement programs, and actions required by law, including legislation with a future implementation date. Estimates of ensuing biennium expenditures must exclude policy items including, but not limited to, legislation not yet enacted by the legislature, collective bargaining agreements not yet approved by the legislature, and changes to levels of funding for employee salaries and benefits unless those changes are required by statute. Estimated maintenance level expenditures must also exclude costs of court rulings issued during or within fewer than ninety days before the beginning of the current legislative session;

(b) Address major budget and revenue drivers, including trends and variability in these drivers;

(c) Clearly state the assumptions used in the estimates of baseline and projected expenditures and any adjustments made to those estimates;

(d) Clearly state the assumptions used in the baseline revenue estimates and any adjustments to those estimates; and

(e) Include the impact of previously enacted legislation with a future implementation date.

(3) The outlook must also separately include projections based on the revenues and expenditures proposed in the governor's budget documents submitted to the legislature under RCW 43.88.030.

(4) The ~~((economic and revenue forecast))~~ budget outlook council shall submit state budget outlooks prepared under this section to the governor and the members of the committees on ways and means of the senate and appropriations of the house of representatives, including one copy to the staff of each of the committees, as required by this section.

(5) Each January, the state budget outlook work group shall also prepare, subject to the approval of the ~~((economic and revenue forecast))~~ budget outlook council, a state budget outlook for state revenues and expenditures that reflects the governor's proposed budget document submitted to the legislature under chapter 43.88 RCW. Within ~~((thirty))~~ 30 days following enactment of an operating budget by the legislature, the work group shall prepare, subject to the approval of the ~~((economic and revenue forecast))~~ budget outlook council, a state budget outlook for state revenues and expenditures that reflects the enacted budget.

(6) All agencies of state government shall provide to the supervisor immediate access to all information relating to state budget outlooks.

(7) The state budget outlook work group must publish its proposed methodology on the economic and revenue forecast council website. The state budget outlook work group, in consultation with the economic and revenue forecast work group and outside experts if necessary, must analyze the extent to which the proposed methodology for projecting expenditures for the ensuing fiscal biennia may be reliably used to determine the future impact of appropriations and make recommendations to change the outlook process to increase reliability and accuracy. The recommendations are due by December 1, 2013, and every

five years thereafter.

Sec. 5. RCW 82.33.070 and 2012 1st sp.s. c 8 s 5 are each amended to read as follows:

(1) To promote the free flow of information and to promote legislative input in the preparation of the state budget outlook, immediate access to all information relating to the state budget outlook shall be available to the state budget outlook work group, hereby created. The state budget outlook work group shall consist of one staff member selected by the executive head or chairperson of each of the following agencies or committees:

(a) Office of financial management;

(b) Legislative evaluation and accountability program committee;

(c) Office of the state treasurer;

(d) Economic and revenue forecast council;

(e) Caseload forecast council;

(f) Ways and means committee of the senate; and

(g) ~~((Ways and means))~~ Appropriations committee of the house of representatives.

(2) The state budget outlook work group shall provide technical support to the ~~((economic and revenue forecast))~~ budget outlook council. Meetings of the state budget outlook work group may be called by any member of the group for the purpose of assisting the ~~((economic and revenue forecast))~~ budget outlook council, reviewing the state budget outlook, or for any other purpose, which may assist the ~~((economic and revenue forecast))~~ budget outlook council.

Sec. 6. RCW 82.33.020 and 2015 c 3 s 14 are each reenacted and amended to read as follows:

(1) Four times each year the supervisor must prepare, subject to the approval of the economic and revenue forecast council under RCW 82.33.010:

(a) An official state economic and revenue forecast;

(b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and

(c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

(2) Beginning with the September 2024, and four times each year thereafter, the supervisor must prepare, subject to the approval of the transportation economic and revenue forecast council created under section 3 of this act, an official transportation revenue forecast for the transportation budget. Additionally, the supervisor must prepare unofficial projections as deemed warranted by the supervisor, which may include optimistic and pessimistic assumptions. For purposes of this subsection, the transportation revenue forecast for the transportation budget includes, but is not limited to, transportation taxes, vehicle fees, drivers' fees, fares and tolls, and aircraft and vessel fees.

(3) The supervisor must submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.33.010, to the governor and the members of the ~~((committees on))~~ ways and means committee of the senate and appropriations committee of the house of representatives and the chairs of the committees on transportation of the senate and house of representatives, including one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 27th, and September 27th. ~~((In fiscal year 2015, the March 20th forecast shall be submitted on or before February 20, 2015.))~~ All forecasts must be based on the most recent economic and revenue forecast council economic forecast. All forecasts must include both estimated receipts and estimated revenues in conformance with generally accepted accounting principles as provided by RCW 43.88.037. In odd-numbered years, the period

covered by forecasts for the state general fund and related funds must cover the current fiscal biennium and the next ensuing fiscal biennium, and the period for the transportation related funds must cover the current fiscal biennium and the next two ensuing fiscal biennia. In even-numbered years, the period covered by the forecasts for the state general fund and related funds shall be current fiscal and the next two ensuing fiscal biennia, and the period for the transportation related funds shall be the current fiscal and the next two ensuing fiscal biennia.

~~((3))~~ (4) All agencies of state government must provide to the supervisor immediate access to all information relating to economic and revenue forecasts. Revenue collection information must be available to the supervisor the first business day following the conclusion of each collection period.

~~((4))~~ (5) The economic and revenue forecast supervisor and staff must ~~((relocate and))~~ share information, data, and files with the tax research section of the department of revenue and the department of licensing but may not duplicate the duties and functions of one another.

~~((5))~~ (6) As part of its forecasts under subsection (1) of this section, the supervisor must provide estimated revenue from tuition fees as defined in RCW 28B.15.020.

~~((6))~~ (7) The economic and revenue forecast council must, in consultation with the economic and revenue forecast work group created in RCW 82.33.040, review the existing economic and revenue forecast council revenue model, data, and methodologies and in light of recent economic changes, engage outside experts if necessary, and recommend changes to the economic and revenue forecast council revenue forecasting process to increase confidence and promote accuracy in the revenue forecast. The recommendations are due by September 30, 2012, and every five years thereafter.

Sec. 7. RCW 82.33.040 and 1986 c 158 s 23 are each amended to read as follows:

(1) To promote the free flow of information and to promote legislative input in the preparation of forecasts, immediate access to all information relating to economic and revenue forecasts shall be available to the economic and revenue forecast work group, hereby created. Revenue collection information shall be available to the economic and revenue forecast work group the first business day following the ~~((conclusion of each collection period))~~ close of each fiscal month. The economic and revenue forecast work group shall consist of one staff member selected by the executive head or chairperson of each of the following agencies or committees:

- (a) Department of revenue;
- (b) Office of financial management;
- (c) Legislative evaluation and accountability program committee;
- (d) Ways and means committee of the senate; ~~((and))~~
- (e) ~~((Ways and means))~~ Finance committee of the house of representatives;
- (f) Transportation committee of the senate;
- (g) Transportation committee of the house of representatives;
- (h) Washington state department of transportation; and
- (i) Department of licensing.

(2) The economic and revenue forecast work group shall provide technical support to the economic and revenue forecast council. Meetings of the economic and revenue forecast work group may be called by any member of the group for the purpose of assisting the economic and revenue forecast council, reviewing the state economic and revenue forecasts, or reviewing monthly revenue collection data or for any other purpose which may assist the economic and revenue forecast council.

(3) Staff members from the Washington state department of

transportation, department of licensing, transportation committee of the senate, and transportation committee of the house of representatives shall only provide technical support for the transportation revenue forecast for the transportation budget.

Sec. 8. RCW 43.88.020 and 2005 c 319 s 107 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal statement, either written or provided on any electronic media or both, offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated, or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means and transportation committees of the senate and house of representatives.

NINETY SECOND DAY, APRIL 10, 2023

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(18) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(19) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(20) "Estimated revenues" means estimates of revenue in the most recent official economic ~~((and))~~, revenue ~~((forecast))~~, and transportation revenue forecasts, prepared under RCW 82.33.020~~((, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast, that are prepared by the office of financial management in consultation with the transportation revenue forecast council))~~.

(21) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(22) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(23) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(24) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(25) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(26) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(27) "Performance verification" means an analysis that (a) verifies the accuracy of data used by state agencies in quantifying intended results and measuring performance toward those results, and (b) verifies whether or not the reported results were achieved.

(28) "Performance audit" has the same meaning as it is defined in RCW 44.28.005.

NEW SECTION. Sec. 9. The following acts or parts of acts

are each repealed:

(1) RCW 43.88.125 (Study of transportation-related funds or accounts—Coordination of activities) and 2005 c 319 s 114, 1996 c 288 s 49, 1981 c 270 s 15, 1977 ex.s. c 235 s 6, 1975 1st ex.s. c 293 s 19, & 1971 ex.s. c 195 s 2; and

(2) RCW 43.88.122 (Transportation agency revenue forecasts—Variances) and 2000 2nd sp.s. c 4 s 14 & 1991 c 358 s 7.

NEW SECTION. Sec. 10. Section 9 of this act takes effect July 1, 2024."

On page 1, line 3 of the title, after "council;" strike the remainder of the title and insert "amending RCW 82.33.010, 82.33.060, 82.33.070, 82.33.040, and 43.88.020; reenacting and amending RCW 82.33.020; adding new sections to chapter 82.33 RCW; repealing RCW 43.88.125 and 43.88.122; and providing an effective date."

Senator Rolfe spoke in favor of the motion to not adopt the committee striking amendment.

The President declared the question before the Senate to be the motion to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1838.

The motion by Senator Rolfe carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Rolfe moved that the following committee striking amendment by the Committee on Transportation be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.33.010 and 2012 1st sp.s. c 8 s 2 are each amended to read as follows:

(1)(a) The economic and revenue forecast council is hereby created. The council shall consist of ~~((two individuals appointed by the governor, the state treasurer, and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The))~~ the following members:

(i) The director of the office of financial management;

(ii) The state treasurer;

(iii) The chair and ranking member of the house appropriations committee, the chair and ranking member of the house finance committee, the chair and ranking member of the senate ways and means committee, and the vice-chair and assistant ranking member of the senate ways and means committee, who shall sit with the council and serve as voting members only at such time as the consideration of the economic and revenue forecast for the operating budget and the state budget outlook;

(iv) The director of the department of revenue, who shall sit with the council and serve as a voting member only at such times as the consideration of the economic and revenue forecast for the operating budget and the state budget outlook;

(v) The chair and ranking member of the house transportation committee, and chair and ranking member of the senate transportation committee, who shall sit with the council and serve as voting members only at such time as the consideration of the transportation revenue forecast for the transportation budget; and

(vi) The director of the department of licensing, who shall sit with the council and serve as a voting member only at such times as the consideration of the transportation revenue forecast for the transportation budget.

(b) Except as provided in (c) of this subsection, the chair of the

council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(c) The chair of the council when conducting business related to the transportation revenue forecast for the transportation budget shall be selected from among the four legislative appointees from the transportation budget committees.

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

(2) The council shall employ an economic and revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts and the presentation of state budget outlooks. As used in this chapter, "supervisor" means the economic and revenue forecast supervisor. Approval by an affirmative vote of at least ~~(five)~~ nine members of the council is required for any decisions regarding employment of the supervisor. For purposes of this vote, all members of the council set forth in subsection (1)(a) of this section are voting members. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(3) The economic and revenue forecast council shall oversee ~~(the)~~:

(a) The preparation of and approve, by an affirmative vote of at least ~~(five)~~ seven members eligible to vote for the economic and revenue forecast for the operating budget, the official, optimistic, and pessimistic state economic and revenue forecasts prepared under RCW 82.33.020; and

(b) The preparation of and approval, by an affirmative vote of at least five members of those members eligible to vote for, the transportation revenue forecast for the transportation budget prepared under RCW 82.33.020.

If the council is unable to approve ~~(a)~~ any forecast before a date required in RCW 82.33.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(4) The economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least ~~(five)~~ seven members of those members eligible to vote for, the state budget outlook prepared under RCW 82.33.060. If the council is unable to approve a state budget outlook before a date required in RCW 82.33.060, the supervisor shall submit the outlook prepared under RCW 82.33.060 without approval and the outlook shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official economic and revenue forecast ~~(or)~~ for the operating budget, the state budget outlook, or the transportation revenue forecast for the transportation budget may request, and the supervisor shall provide, an alternative economic and revenue forecast or state budget outlook based on assumptions specified by the member including, for purposes of the state budget outlook, revenues to and expenditures from additional funds.

(6) Members of the economic and revenue forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 2. RCW 82.33.020 and 2015 c 3 s 14 are each reenacted and amended to read as follows:

(1) Four times each year the supervisor must prepare, subject to the approval of the economic and revenue forecast council under RCW 82.33.010:

(a) An official state economic and revenue forecast;

(b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; ~~(and)~~

(c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections; and

(d) Beginning with the September 2024 forecast, an official transportation revenue forecast for the transportation budget. Additionally, potential unofficial projections as determined warranted by the supervisor, which may include optimistic and pessimistic assumptions. For purposes of this subsection, the transportation revenue forecast for the transportation budget includes, but is not limited to, transportation taxes, vehicle fees, drivers' fees, fares and tolls, and aircraft and vessel fees.

(2) The supervisor must submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.33.010, to the governor and the members of the ~~(committees or)~~ committee of the senate and appropriations committee of the house of representatives and the chairs of the committees on transportation of the senate and house of representatives, including one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 27th, and September 27th. ~~(In fiscal year 2015, the March 20th forecast shall be submitted on or before February 20, 2015.)~~ All forecasts must be based on the most recent economic and revenue forecast council economic forecast. All forecasts must include both estimated receipts and estimated revenues in conformance with generally accepted accounting principles as provided by RCW 43.88.037. In odd-numbered years, the period covered by forecasts for the state general fund and related funds must cover the current fiscal biennium and the next ensuing fiscal biennium, and the period for the transportation related funds must cover the current fiscal biennium and the next two ensuing fiscal biennia. In even-numbered years, the period covered by the forecasts for the state general fund and related funds shall be current fiscal and the next two ensuing fiscal biennia, and the period for the transportation related funds shall be the current fiscal and the next two ensuing fiscal biennia.

(3) All agencies of state government must provide to the supervisor immediate access to all information relating to economic and revenue forecasts. Revenue collection information must be available to the supervisor the first business day following the conclusion of each collection period.

(4) The economic and revenue forecast supervisor and staff must ~~(colocate and)~~ share information, data, and files with the tax research section of the department of revenue and the department of licensing but may not duplicate the duties and functions of one another.

(5) As part of its forecasts under subsection (1) of this section, the supervisor must provide estimated revenue from tuition fees as defined in RCW 28B.15.020.

(6) The economic and revenue forecast council must, in consultation with the economic and revenue forecast work group created in RCW 82.33.040, review the existing economic and revenue forecast council revenue model, data, and methodologies and in light of recent economic changes, engage outside experts if necessary, and recommend changes to the economic and revenue forecast council revenue forecasting process to increase confidence and promote accuracy in the revenue forecast. The recommendations are due by September 30, 2012, and every five years thereafter.

Sec. 3. RCW 82.33.040 and 1986 c 158 s 23 are each

NINETY SECOND DAY, APRIL 10, 2023

amended to read as follows:

(1) To promote the free flow of information and to promote legislative input in the preparation of forecasts, immediate access to all information relating to economic and revenue forecasts shall be available to the economic and revenue forecast work group, hereby created. Revenue collection information shall be available to the economic and revenue forecast work group the first business day following the ~~((conclusion of each collection period))~~ close of each fiscal month. The economic and revenue forecast work group shall consist of one staff member selected by the executive head or chairperson of each of the following agencies or committees:

- (a) Department of revenue;
- (b) Office of financial management;
- (c) Legislative evaluation and accountability program committee;
- (d) Ways and means committee of the senate; ~~((and))~~
- (e) ~~((Ways and means))~~ Appropriations committee of the house of representatives;
- (f) Transportation committee of the senate;
- (g) Transportation committee of the house of representatives;
- (h) Washington state department of transportation; and
- (i) Department of licensing.

(2) The economic and revenue forecast work group shall provide technical support to the economic and revenue forecast council. Meetings of the economic and revenue forecast work group may be called by any member of the group for the purpose of assisting the economic and revenue forecast council, reviewing the state economic and revenue forecasts, or reviewing monthly revenue collection data or for any other purpose which may assist the economic and revenue forecast council.

(3) Staff members from the Washington state department of transportation, department of licensing, transportation committee of the senate, and transportation committee of the house of representatives shall only provide technical support for the transportation revenue forecast for the transportation budget.

Sec. 4. RCW 43.88.020 and 2005 c 319 s 107 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal statement, either written or provided on any electronic media or both, offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" means the fiscal biennium beginning

on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated, or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means and transportation committees of the senate and house of representatives.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(18) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(19) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(20) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast, and transportation revenue forecast, prepared under RCW 82.33.020 ~~((, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast, that are prepared by the office of financial management in consultation with the transportation revenue forecast council))~~.

(21) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(22) "State budgeting, accounting, and reporting system"

means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(23) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(24) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(25) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(26) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(27) "Performance verification" means an analysis that (a) verifies the accuracy of data used by state agencies in quantifying intended results and measuring performance toward those results, and (b) verifies whether or not the reported results were achieved.

(28) "Performance audit" has the same meaning as it is defined in RCW 44.28.005.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

(1) RCW 43.88.125 (Study of transportation-related funds or accounts—Coordination of activities) and 2005 c 319 s 114, 1996 c 288 s 49, 1981 c 270 s 15, 1977 ex.s. c 235 s 6, 1975 1st ex.s. c 293 s 19, & 1971 ex.s. c 195 s 2; and

(2) RCW 43.88.122 (Transportation agency revenue forecasts—Variances) and 2000 2nd sp.s. c 4 s 14 & 1991 c 358 s 7."

On page 1, line 3 of the title, after "council;" strike the remainder of the title and insert "amending RCW 82.33.010, 82.33.040, and 43.88.020; reenacting and amending RCW 82.33.020; and repealing RCW 43.88.125 and 43.88.122."

Senator Rolfes spoke in favor of the motion to not adopt the committee striking amendment.

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 1838.

The motion by Senator Rolfes carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Rolfes moved that the following amendment no. 0404 by Senator Rolfes be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.33.010 and 2012 1st sp.s. c 8 s 2 are each amended to read as follows:

(1)(a) The economic and revenue forecast council is hereby created. The council shall consist of two individuals appointed by the governor, the state treasurer, and (~~four individuals, one~~)

~~eight legislators, two~~ of whom (~~(two)~~) shall be appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives.

(b) The chair of the council shall be selected from among the (~~(four)~~) eight caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ an economic (~~(and)~~), revenue, and transportation revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts, transportation revenue forecasts under section 2 of this act, and the presentation of state budget outlooks. As used in this chapter, "supervisor" means the economic (~~(and)~~), revenue, and transportation revenue forecast supervisor. Approval by an affirmative vote of at least (~~(five)~~) seven members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(3) The economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least (~~(five)~~) seven members, the official, optimistic, and pessimistic state economic and revenue forecasts prepared under RCW 82.33.020. If the council is unable to approve a forecast before a date required in RCW 82.33.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(4) The economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least (~~(five)~~) seven members, the state budget outlook prepared under RCW 82.33.060. If the council is unable to approve a state budget outlook before a date required in RCW 82.33.060, the supervisor shall submit the outlook prepared under RCW 82.33.060 without approval and the outlook shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official economic and revenue forecast or the state budget outlook may request, and the supervisor shall provide, an alternative economic and revenue forecast or state budget outlook based on assumptions specified by the member including, for purposes of the state budget outlook, revenues to and expenditures from additional funds.

(6) Members of the economic and revenue forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. A new section is added to chapter 82.33 RCW to read as follows:

(1)(a) The transportation economic and revenue forecast council is hereby created. The council shall consist of the following members:

- (i) The director of the office of financial management;
- (ii) The director of the department of licensing;
- (iii) The state treasurer;
- (iv) The chair and ranking member of the house transportation committee; and
- (v) The chair and ranking member of the senate transportation committee.

(b) The chair of the council shall be selected from among the legislative members of the council identified in (a)(iv) and (v) of

NINETY SECOND DAY, APRIL 10, 2023

this subsection. The council may select such other officers as the members deem necessary.

(2) The council shall work with the economic, revenue, and transportation revenue forecast supervisor identified under RCW 82.33.010 to supervise the preparation of all transportation economic and revenue forecasts. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(3)(a) The transportation economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least five members, the official, optimistic, and pessimistic transportation economic and revenue forecasts prepared under RCW 82.33.020.

(b) If the council is unable to approve a forecast before a date required in RCW 82.33.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(4) A councilmember who does not cast an affirmative vote for approval of the official transportation economic and revenue forecast may request, and the supervisor shall provide, an alternative economic and revenue forecast based on assumptions specified by the member.

(5) Members of the transportation economic and revenue forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 3. RCW 82.33.020 and 2015 c 3 s 14 are each reenacted and amended to read as follows:

(1) Four times each year the supervisor must prepare, subject to the approval of the economic and revenue forecast council under RCW 82.33.010:

- (a) An official state economic and revenue forecast;
- (b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and
- (c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

(2) Beginning with the September 2024, and four times each year thereafter, the supervisor must prepare, subject to the approval of the transportation economic and revenue forecast council created under section 2 of this act, an official transportation revenue forecast for the transportation budget. Additionally, the supervisor must prepare unofficial projections as deemed warranted by the supervisor, which may include optimistic and pessimistic assumptions. For purposes of this subsection, the transportation revenue forecast for the transportation budget includes, but is not limited to, transportation taxes, vehicle fees, drivers' fees, fares and tolls, and aircraft and vessel fees.

(3) The supervisor must submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.33.010, to the governor and the members of the ~~((committees~~ ~~or~~) ways and means committee of the senate and appropriations committee of the house of representatives and the chairs of the committees on transportation of the senate and house of representatives, including one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 27th, and September 27th. ~~((In fiscal year 2015, the March 20th forecast shall be submitted on or before February 20, 2015.))~~ All forecasts must be based on the most recent economic and revenue forecast council economic forecast. All forecasts must include both estimated receipts and estimated revenues in conformance with generally accepted accounting principles as

provided by RCW 43.88.037. In odd-numbered years, the period covered by forecasts for the state general fund and related funds must cover the current fiscal biennium and the next ensuing fiscal biennium, and the period for the transportation related funds must cover the current fiscal biennium and the next two ensuing fiscal biennia. In even-numbered years, the period covered by the forecasts for the state general fund and related funds shall be current fiscal and the next two ensuing fiscal biennia, and the period for the transportation related funds shall be the current fiscal and the next two ensuing fiscal biennia.

~~((3))~~ (4) All agencies of state government must provide to the supervisor immediate access to all information relating to economic and revenue forecasts. Revenue collection information must be available to the supervisor the first business day following the conclusion of each collection period.

~~((4))~~ (5) The economic ~~((and))~~, revenue, and transportation revenue forecast supervisor and staff must ~~((locate and))~~ share information, data, and files with the tax research section of the department of revenue and the department of licensing but may not duplicate the duties and functions of one another.

~~((5))~~ (6) As part of its forecasts under subsection (1) of this section, the supervisor must provide estimated revenue from tuition fees as defined in RCW 28B.15.020.

~~((6))~~ (7) The economic and revenue forecast council must, in consultation with the economic and revenue forecast work group created in RCW 82.33.040, review the existing economic and revenue forecast council revenue model, data, and methodologies and in light of recent economic changes, engage outside experts if necessary, and recommend changes to the economic and revenue forecast council revenue forecasting process to increase confidence and promote accuracy in the revenue forecast. The recommendations are due by September 30, 2012, and every five years thereafter.

Sec. 4. RCW 82.33.040 and 1986 c 158 s 23 are each amended to read as follows:

(1) To promote the free flow of information and to promote legislative input in the preparation of forecasts, immediate access to all information relating to economic and revenue forecasts shall be available to the economic and revenue forecast work group, hereby created. Revenue collection information shall be available to the economic and revenue forecast work group the first business day following the ~~((conclusion of each collection period))~~ close of each fiscal month. The economic and revenue forecast work group shall consist of one staff member selected by the executive head or chairperson of each of the following agencies or committees:

- (a) Department of revenue;
- (b) Office of financial management;
- (c) Legislative evaluation and accountability program committee;
- (d) Ways and means committee of the senate; ~~((and))~~
- (e) Ways and means committee of the house of representatives;
- (f) Transportation committee of the senate;
- (g) Transportation committee of the house of representatives;
- (h) Washington state department of transportation; and
- (i) Department of licensing.

(2) The economic and revenue forecast work group shall provide technical support to the economic and revenue forecast council. Meetings of the economic and revenue forecast work group may be called by any member of the group for the purpose of assisting the economic and revenue forecast council, reviewing the state economic and revenue forecasts, or reviewing monthly revenue collection data or for any other purpose which may assist the economic and revenue forecast council.

(3) Staff members from the Washington state department of

transportation, department of licensing, transportation committee of the senate, and transportation committee of the house of representatives shall only provide technical support for the transportation revenue forecast for the transportation budget.

Sec. 5. RCW 43.88.020 and 2005 c 319 s 107 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal statement, either written or provided on any electronic media or both, offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated, or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means and transportation committees of the senate and house of representatives.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(18) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(19) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(20) "Estimated revenues" means estimates of revenue in the most recent official economic ~~((and))~~ revenue ~~((forecast))~~, and transportation revenue forecasts, prepared under RCW 82.33.020 ~~((and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast, that are prepared by the office of financial management in consultation with the transportation revenue forecast council))~~.

(21) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(22) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(23) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(24) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(25) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(26) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(27) "Performance verification" means an analysis that (a) verifies the accuracy of data used by state agencies in quantifying intended results and measuring performance toward those results, and (b) verifies whether or not the reported results were achieved.

(28) "Performance audit" has the same meaning as it is defined in RCW 44.28.005.

NEW SECTION. Sec. 6. The following acts or parts of acts

NINETY SECOND DAY, APRIL 10, 2023

are each repealed:

(1) RCW 43.88.125 (Study of transportation-related funds or accounts—Coordination of activities) and 2005 c 319 s 114, 1996 c 288 s 49, 1981 c 270 s 15, 1977 ex.s. c 235 s 6, 1975 1st ex.s. c 293 s 19, & 1971 ex.s. c 195 s 2; and

(2) RCW 43.88.122 (Transportation agency revenue forecasts—Variances) and 2000 2nd sp.s. c 4 s 14 & 1991 c 358 s 7.

NEW SECTION. Sec. 7. Section 6 of this act takes effect July 1, 2024."

On page 1, line 3 of the title, after "council;" strike the remainder of the title and insert "amending RCW 82.33.010, 82.33.040, and 43.88.020; reenacting and amending RCW 82.33.020; adding a new section to chapter 82.33 RCW; repealing RCW 43.88.125 and 43.88.122; and providing an effective date."

Senator Rolfes spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0404 by Senator Rolfes to Engrossed Substitute House Bill No. 1838.

The motion by Senator Rolfes carried and amendment no. 0404 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute House Bill No. 1838 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1838 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1838 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robison, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Mullet

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1838, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736, by House Committee on Transportation (originally sponsored by Cortes, Fey, Senn, Ryu, Wylie, Slatter, Reed and Pollet)

Requiring the department of licensing to collect vehicle odometer readings at the time of original vehicle registration and

registration renewal. Revised for 1st Substitute: Requiring the department of licensing to request motor vehicle odometer readings upon vehicle registration.

The measure was read the second time.

MOTION

Senator King moved that the following amendment no. 0391 by Senator King be adopted:

On page 2, line 29, after "infraction." insert "The application for an original vehicle registration must state that the vehicle owner is not required to provide the mileage shown on the odometer and that failure to provide the mileage shown on the odometer is not grounds to deny vehicle registration or issue any monetary or civil penalty or infraction."

On page 3, line 19, after "infraction." insert "The application for a renewal vehicle registration must state that the vehicle owner is not required to provide the mileage shown on the odometer and that failure to provide the mileage shown on the odometer is not grounds to deny vehicle registration or issue any monetary or civil penalty or infraction."

Senators King and Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 0391 by Senator King on page 2, line 29 to Engrossed Substitute House Bill No. 1736.

The motion by Senator King carried and amendment no. 0391 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, amendment no. 0392 by Senator King on page 6, line 28 to Engrossed Substitute House Bill No. 1736 was withdrawn.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute House Bill No. 1736 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1736 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1736 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Robison, Rolfes, Saldaña, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hasegawa, Hawkins, MacEwen, McCune, Muzzall, Padden, Rivers, Salomon, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Mullet

final passage of House Bill No. 1237.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1251, by House Committee on Local Government (originally sponsored by Stonier, Bateman, Reed, Riccelli and Pollet)

Concerning water systems' notice to customers of public health considerations.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 1251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1251.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1251 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Mullet

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1237, by Representatives Robertson and Fey

Redistributing the vehicle identification number inspection fee.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 1237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1237 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Mullet

HOUSE BILL NO. 1237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1171, by House Committee on Transportation (originally sponsored by Mosbrucker and Graham)

Modifying the motorcycle safety education advisory board.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Shewmake spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1171.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1171 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Mullet

SUBSTITUTE HOUSE BILL NO. 1171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:40 p.m., on motion of Senator Pedersen, the Senate

NINETY SECOND DAY, APRIL 10, 2023

adjourned until 9 o'clock a.m. Tuesday, April 11, 2023.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

1009-S2	Second Reading	45, 46, 49
Other Action.....	8	
Second Reading	5	
Third Reading Final Passage	8	
1013-S2	Second Reading	5
Third Reading Final Passage	5	
1019-SE	Other Action.....	20
Second Reading	20	
Third Reading Final Passage	21	
1046	Second Reading	2
Third Reading Final Passage	3	
1074-S	Second Reading	3
Third Reading Final Passage	3	
1122-S2	Second Reading	22
Third Reading Final Passage	22	
1171-S	Second Reading	61
Third Reading Final Passage	61	
1188-S2E	Other Action.....	45
Second Reading	42, 43	
Third Reading Final Passage	45	
1204-S2	Second Reading	9
Third Reading Final Passage	9	
1237	Second Reading	61
Third Reading Final Passage	61	
1251-SE	Second Reading	61
Third Reading Final Passage	61	
1329-SE	Second Reading	9, 10
Third Reading Final Passage	17	
1334	Second Reading	19
Third Reading Final Passage	19	
1394-SE	Second Reading	21
Third Reading Final Passage	21	
1447-S2	Other Action.....	49
	Second Reading	45, 46, 49
	Third Reading Final Passage	49
1469-SE	Other Action.....	27
Second Reading	26, 27	
Third Reading Final Passage	27	
1498-SE	Other Action.....	42
Second Reading	41	
Third Reading Final Passage	42	
1501-S	Second Reading	45
Third Reading Final Passage	45	
1521-S	Second Reading	18
Third Reading Final Passage	19	
1527	Other Action.....	26
Second Reading	22, 26	
Third Reading Final Passage	26	
1638-S	Other Action.....	50
Second Reading	50	
Third Reading Final Passage	50	
1715-S2E	Other Action.....	41
Second Reading	27, 40	
Third Reading Final Passage	41	
1728-S2	Second Reading	19
Third Reading Final Passage	19	
1736-SE	Other Action.....	60
Second Reading	60	
Third Reading Final Passage	60	
1771	Other Action.....	5
Second Reading	3, 4	
Third Reading Final Passage	5	
1779-S	Other Action.....	22
Second Reading	21	
Third Reading Final Passage	22	
1804-S	Other Action.....	9
Second Reading	8	
Third Reading Final Passage	9	

1838-SE
 Other Action..... 54, 57, 60
 Second Reading 50, 51, 54, 57
 Third Reading Final Passage 60
 1851-S
 Messages 1
 8641
 Adopted..... 1
 Introduced 1
 9277 Grant, Nicole
 Confirmed 2
 9280 Sullivan, Eileen
 Confirmed 2
 9332 Randazzo, Matthew
 Confirmed 2
 CHAPLAIN OF THE DAY

Saldaña Senator Rebecca, 37th Legislative
 District..... 1
 FLAG BEARERS
 Krol, Mr. Liam..... 1
 Petersen, Miss Brigitte 1
 GUESTS
 Aragon, Ms. Sofia, Mayor, Burien 1
 Blaine Middle School students 3
 Filipina, Latina, labor & farmworker
 community representatives 1
 Gupta, Miss Monica, Pledge of Allegiance .. 1
 WASHINGTON STATE SENATE
 MOMENT OF SILENCE
 Easterly, Det. David..... 19
 Personal Privilege, Senator Fortunato..... 19