SIXTY SIXTH LEGISLATURE - REGULAR SESSION

EIGHTH DAY

House Chamber, Olympia, Monday, January 20, 2020

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lucas Lund and Sheridan D'Angelo. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Troy Carr, Grace United Methodist Church, Seattle, Washington.

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

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) introduced Cece Chan, a first year student from Pacific Lutheran University, a member of the Washington State NAACP Youth Council, and one of the winners of the Black Education Matters Student Activist Award of 2019, for a reading to honor Dr. Martin Luther King, Jr.

Cece Chan: "Dreams aren't anything if we are only sleep-walking
Injustice anywhere is a threat to justice everywhere.
We are caught
Not saying anything is an injustice
We've dishonored him
Like a fool
Raise in hate crimes
Black bodies in the streets
Mass incarceration
These nightmares weren't his dreams
You see
He led us so we could lead ourselves
Justice for all does not mean justice for this wall
Separating families and communities
We must take a stand
The work is not easy
You must learn to take a passion
To live and to love
Could we, through love in action, change the reality
If your actions do not prove the truth of your words, then your words are nothing more than lies.
Sleepwalking is dreaming without waking up
SPEAK LOUDER
For diversity and inclusion is clear
Diversity benefits the bottom line
Confront implicit bias
Stay dreaming but don't stay sleepwalking
You don't know who you are anymore
We don't always have an awareness of our identity or even a loss of identity
Identity is constantly lost
Constantly feel drained, depressed or unhappy with yourself
You're always trying to fit in and belong
Soul-sucking goal
Dream a new dream.
Better things wait for us on the horizon
Clouds hide the sun
But no clouds can forever prevent the sun from shining
Only rainbows after rain
You gotta keep your head up
Let your hair down
So encouraged by the women
Encouraging women to study politics.
Women's involvement in social activism
Women of color , immigrant women , LGBTQIA+ women, and disabled women
Barriers and discrimination
Laws, policies and practices
Help a school run
Are you helping your students find their voice
To help my students see themselves
Representation in books
Ethnic studies isn't anything without professional development
Black Lives Matter
Teachers of color facing racism like their students of color
But we lay back because it's not me, it's them
Okay, I'm awake.
But just because you wake up doesn't mean you stop dreaming
I'm babysitting overnight
Tip me at the end
Just an extremely tired person
Running a marathon
They roll their eyes
The internet latches onto these gems
Pain and past
I've sat with many wounded people.
Battle scars remind us that we are strong
I won't let you down
Community is the kindest most compassionate place
Message of hope
Bring attention to the healing
Hold the power within ourselves to shift and heal parts of ourselves.
Release anything that is no longer serving you
Work to become the best version of us ever created to live
But people wait
Basic fact is that too many people are waiting
This "Wait" has almost always meant "Never"
Justice too long delayed is justice denied
Lukewarm acceptance is much more bewildering than outright rejection
So keeping pushing

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Racism didn't end with King but it taught us that dreams can become a reality
Only when you stop sleepwalking
And make your dreams into actions"

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) introduced students from the Institute for Community Leadership: Alphia Sharif, 14 year old Freshman; Christopher Castro-Salgado, 16 year old sophomore; and Fayth Njenga, 17 year old senior, who presented readings to commemorate Dr. Martin Luther King Jr.

Alphia Sherif: "Good morning. Thank you for the work you do for our State's families, schools and students.

Today we live in a world where many of us are stuck in neutral. We seem to be unable to shift ourselves into gear. We see this in the lack of civic engagement amongst our peers. Dr. King teaches, one of the greatest tragedies in times of change, is too many of us fail to remain awake.

It is up to all of us to overcome this obstacle. We need to blink back our drowsiness. Open our eyes. We need to gear up, and get out of our comfort zones. We need to move out of the parking lot, and onto the highway of taking risks, and daring to dream.

Indeed, dreaming requires taking risks. We have all felt the devastation of a fallen dream. Dr. King teaches us, there are 3 negative responses to shattered dreams. One, resorting to a bitter, vengeful persona. Two, adopting an introverted self. Or, three, developing a fatalistic, blaming attitude.

Dr. King challenges us, instead of falling into these negative responses, we can take our shattered dreams and turn them into assets. He says, it is not what happens TO us that determines who we are, but what we do with what happens to us that matters. Let us celebrate Dr. King's Life and Legacy by first, getting on the highway, and second, by taking the high road! THANK YOU."

Chris Castro: "Dr. King teaches us how to develop Consciousness. The definition of consciousness is to be awake. Developing our ability to stay awake, and to raise our consciousness, will create a stronger democracy and a peaceful tomorrow. Dr. King points out steps we can take to develop our consciousness. The first step begins with changing our conduct. When we change our conduct, our character either grows or shrinks. We probably all know teenagers who open doors for others. And we probably all know teenagers who habitually do not. Simple actions like this, either raise one's character, or lower it.

As we become proficient at conducting ourselves in ways that serve others, our character continues to rise. If we have low character, we have little consciousness. And we all know that when we wrap ourselves up only in ourselves, we make a very, little package! Doing things for others raises character, and if our character is higher, we see people much further away, perhaps even on the other side of the world. And we see much broader, we see people across town, and across the lines of difference that keep us separated.

With persistent conduct that raises our character we remain alert. We connect with people from different races and cultures, colors and nationalities, in ways that serve the greater good.

Changes we can make, like eating with folks who are different from us in our cafeterias and lunchrooms, opening doors, smiling— simple conduct changes like these assure that are ends are in our means. Dr. King would urge us today, to be the change we wish to see in the world! THANK YOU!"

Fayth Njenga: "Dr. Martin Luther King Jr. challenges us to consider the value of living a life rooted in the principles of nonviolence. Nonviolent power is a beautiful gift given to all. However, we can fail to recognize it, and chose not to accept it. It is a matter of our power and our responsibility to make decisions. We can choose to unify, to bring together. Or we can choose to disunify, to separate and divide. Building the Beloved Community requires intentional sustained acts of nonviolence.

Dr. King teaches us that Nonviolence is neither weak, nor anemic. It requires the harmonious blending of a tough mind and a tender heart. He teaches us, that nonviolence is powerful beyond measure, requiring tremendous courage. Nonviolence does not seek to defeat or humiliate, rather it involves the inner realm strength of a willingness to accept suffering without retaliation. It is rooted in the profound and hopeful conviction that the universe is on the side of justice.

Today we have the opportunity to practice nonviolent power, acknowledging it takes compassion, humility, discipline, and great listening skills. Dr. King's legacy calls upon us to build up and not tear down. To lift up and not push out.

He teaches us, "Nonviolence is peaceful and just weapon which cuts without wounding and ennobles the people who wield it." It is a sword that heals.

This is a pivotal moment in history to heal our communities and create a more perfect union. THANK YOU"

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) introduced Dr. Nyla Rosen, Dr. Karen Bohlke and students from the Institute for Community Leadership and asked them to stand and be recognized.

RESOLUTION

HOUSE RESOLUTION NO. 2020-4647, by Representatives Jinkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele,

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Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, Today, January 20, 2020, we join the nation in honor and celebration of the profound legacy of the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, We remember Dr. King's courage, commitment, and unwavering compassion in the face of tremendous injustice; and

WHEREAS, Dr. King once said that the "arc of the moral universe is long, but it bends toward justice"; and

WHEREAS, He propelled a movement to end unfair laws and fulfill the promises of democracy for every person, bringing the truth of segregation and civil rights into households across America; and

WHEREAS, Dr. King did not let a "C" in his public speaking class deter him from igniting passion in a nonviolent philosophy to an entire nation; and

WHEREAS, We continue to draw inspiration from his teachings, reflecting on what his dream means for a new generation of Washingtonians who strive for complete racial, social, and economic equality; and

WHEREAS, We celebrate Dr. King's historic advocacy and bold vision during a time when unity, community, and dreams are needed most;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives recognize Dr. King for dedicating his life to achieving justice; and

BE IT FURTHER RESOLVED, That the House of Representatives call on the people of the State of Washington to honor Dr. King by pursuing with unwavering resolve his dream of equity and opportunity for all people.

Representative J. Johnson moved adoption of HOUSE RESOLUTION NO. 4647.

Representative Johnson: “Thank you Mr. Speaker, and thank you for your visionary leadership in this chamber. Out of the night that covers me black as the pit from pole to pole, I thank whatever gods may be in my unconquerable soul. In the fell clutch of circumstance I have not winced nor cried aloud. Under the bludgeoning of chance my head is bloody but unbowed. Beyond this place of wrath and tears looms but the horrors of the shade, and yet the minutes of the years finds and shall find me unafraid. It matters not how straight the gate, how charged with punishment the scroll, I am the master of my fate, I am the captain of my soul. That was the poem Invictus by William Ernest Himly. Nelson Mandela read that to fellow prisoners during confinement and I believe that poem is the embodiment of Dr. Martin Luther King Jr. A man of character and a man of empathy. His moral compass always, always pointed towards justice and that's why he could lead a movement that revolutionized the entire world. Because Dr. King used both his voice and his vision to get to people at their core. He made people believe that change was in fact possible. He got people to ask themselves a fundamental, life altering question: “Why?” It's one word, three letters. “Why?” What is your “why?” What is your purpose? What is our “why?” What is our purpose? Your “why” which brings about introspection, looking deep within yourself. Innovation and ingenuity. Dr. King answered that question, not just with deeds, in words, but with action, collaborative action. When they threw him in a Birmingham jail he wrote letters that inspired America. And when he gave his life to the cause of civil rights social justice for all of us, his ideas and legacy lived on. Dr. King awakened us to a moral consciousness, a sense of other. Of what it truly means to be free in this world. That freedom is not just a state but an act. That silence in the face of injustice and oppression is worse than injustice and oppression itself. That regardless of your skin color or gender, every one of us deserves the basic rights of life, liberty and the pursuit of happiness. Because, as a society, we have become far too well adjusted to injustice. We must first recognize our reality before working to change it, and the reality of today has an ugly side. Black men, women and children are still being gunned down in the streets at higher numbers than any time in our history. One hundred years after recognizing women's right to vote, women's rights are still being attacked. Our family, friends and neighbors are living in fear every day of deportation. Refugee children are being locked in cages, and far too many LGBTQ teenagers are living on the streets being kicked out of their homes, homeless. Kidst are still going to school hungry, and our economy is not working for everyone. I believe the expectation that a people can be immersed in suffering and injustice without being harmed is as unrealistic as walking on water without getting wet. If he were alive today, what would Dr. King say? He wouldn't be going around writing books, memoirs and going on book tours, but he would be at the funerals of victims of gun violence on Sunday and marching on the streets on Monday. He wouldn't rest until moms and dads with full time jobs or two or three jobs got a fair wage, and those little boys and girls were removed from those cages. Because as D.r King once said: “The ultimate measure of a man is not where he stands in moments of comfort and convenience but at times of challenge and controversy.” We are challenged today. We are in a time of immense and profound conflict and controversy. So on this historic day, Dr. King would not want us to just shower him with praise, he would want us to act – today, tomorrow and the week after that, because in this chamber each of us are the masters of our fate and the captains of our soul. So I leave you with this: I hope we have the courage, Mr. Speaker, to continue the work of Dr. King, even if we are planting seeds in a garden we may never see grow. Seeds of opportunity, seeds of love, seeds of tolerance, seeds of justice, seeds of hope. Because in every corner of the great state of Washington, that's what our people deserve. Thank you. “

Representative Ybarra: “Today our nation commemorates Reverend Dr. Martin Luther King who stood on the steps of Lincoln Memorial and spoke for the dreams of equality and justice for all. Like some of us in this room, I didn't know who Martin Luther King was. I grew up in the sixties. I saw him on T.V. My family was migrant so there was no African-Americans in our community, so when Martin Luther King was on T.V., I asked my dad, “What’s

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he doing? What's civil rights?" and he said "Well, in the South, across the country, African-Americans are treated badly." and I said "Oh, Ok" so I knew something, I was just a kid at the time so I didn't really know. As time went on, one of the things that Martin Luther King said was that there's prejudice out there. And I'll tell you, some prejudice stuff was not only happening to African-Americans, but also to the Hispanic communities - in my community. I'll give you a story. Sunnyside Washington. My brother was going to be born, my mom went into labor. They lived in a little country home outside of Sunnyside and my dad didn't have a car so he went to the farmhouse, ran about a mile away, went to use a phone to get a car so that my mom could go to the hospital. Well, he gets to the farmhouse, knocks on the door, a farmer comes out and my dad says "Can I use your phone?" and the farmer said no. My dad goes "my wife's in labor I need to call for help." and he said "No, and the only reason I'm telling you no is because you're Mexican." That's prejudice. This is all before Martin Luther King. When I got to my hometown, the way it was set up was just like a Westside story, if you remember that movie back in the day, you had the railroad tracks. You had the white people on one side and the north side, on C street, that's where the Hispanics or the Mexicans lived we called it tortilla flats. That's how we grew up. When I got to high school, as a freshman, my brother, my sophomore brother, took me and he said Alex here's the rules you go down that hall because that's a Mexican hall. You go down this hall, that's a white hall and you don't want to go down that hall because the Mexicans will beat you up. And I said "What are you talking about?" and he said they'll beat you up because you're trying to be like a white guy. And I said "Well how do I get the class? How to move around?" and he said "Well, you just have to maneuver and just not hang around white people or else you're going to get beat up." That is prejudice. and that's what it's like that's the real life of it. When Martin Luther King came all of some things changed. I wasn't being called those violent names I'd been called my whole life. Those names you get called all the time. All of a sudden I was called just a Mexican. Not anything behind it - all those names that we all know what those names are. I was called a Mexican. They still didn't like me too much but at least it was better. I could go down that hall. After a little while, I could go down that hall go to my class, mingle with white people because they let us and we kind of fought the fight and it wasn't because of me, it was because of Martin Luther King and some of the things he did that made people change their mannerisms; their thinking about what it is to be a person - not the color your skin, but a person. And so as time went on, you know, living in Quincy, all of a sudden I'm a school board member, all the sudden I get voted in twice, all of a sudden I'm a state representative and I'm still here at the floor with these wonderful folks that are here trying to change this world for the better and that was all due to Martin Luther King and his dream to make everybody the same. I can go back home, I can mingle with white people, African-Americans, with Hispanics, and we're all the same. We have a long ways to go but he's the one that got us started and let's just keep going forward. Thank you."

Representative Hansen: "Thank you, Mr. Speaker. Many of you have probably visited the Martin Luther King Jr. Memorial in Washington D.C.. There's a giant statue of Dr. King emerging from a wall of rock and then quotations around the statue from Dr. King's works. I think the idea is to give the viewer a capsule introduction to the essentials of what Dr King believed. So you will read some of the stirring words that we've heard this morning. "Hate cannot drive out hate only love can do that." "We shall overcome because the arc of the moral universe is long but it bends towards justice." And you'll leave hopeful and comforted by Dr. King's apparent belief that we humans can learn to love each other because we are basically kind and decent, and through hard work and listening to one another and understanding we can together build that beloved community that Dr King wrote about. This is very close to the exact opposite of what Dr. King actually believed. I can say this with some confidence because, as many of you know, some years ago I wrote a book about Dr. King and the I Have a Dream speech. And as part of that project, read every single word of Dr. King's seminary and graduate school essays. The last time I was at the memorial, I was happy to see they had a lot of copies of my book for sale, before I realized that was not exactly a good point, the guy had lots of copies of my book for sale because no one was buying my book. Dr. King, so this belief, right, that humans are perfectible and hopeful and basically good, this was part of theological liberalism which was the dominant school of thought at Crozier Theological Seminary were King got his master's in divinity, and Boston University where he got his PhD. King definitely did not believe that, and he made sure his professors knew it. Not because of some theological critique based in the words of Martin Luther from whom he got his name, but from a much simpler and more powerful reason. King grew up as a black man in the segregated South. So as he wrote in a seminary essay quote "Certain experiences that I had in the South with a vicious race problem made it very difficult for me to believe in the essential goodness of man." Instead, he told his professors "Liberal theology has too easily cast aside the term "sin" failing to recognize that many of our evils are due to just plain sin." So white supremacy then for King, is not just a political ideology it is a very very deep sin. One of his theology professors wrote an entire book called Racism and the Christian Understanding of Man, which is a book-length exposition of white supremacy as idolatry as a worship of the false god of race rather than the risen Lord, and King thought that this sin was very very deep in America and deep in the human heart as he said late in his life "The vast majority of whites are racist, either consciously or unconsciously" Now this doesn't mean that there's nothing we can do. Obviously Dr. King's entire career was devoted towards pushing forward state action to limit the damage that racism can do to God's children. As King famously said "The law cannot make a man love me but it can stop him from lynching me." But, our hope in the efficacy of that action doesn't rest in some belief about the power of American democracy or of the inherent goodness of the human heart. It rests instead on King's belief of the transforming power of God which, by the way, that word "God," that is not a word you will see on the Martin Luther King Jr. Memorial in Washington D.C. which is astonishing. A memorial honoring the Reverend Dr. Martin Luther King whose doctorate was in theology and who founded the Southern Christian Leadership Conference somehow exists

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without mentioning the faith that gave Dr. King his own hope. I'll tell one quick story and I'll close here. Early in the Montgomery bus boycott, Dr. King received death threats which he did on a regular basis. But one that they got to him in an unusual way, and he had an experience that he would speak about for the rest of his life. He went into the kitchen and he brewed himself a cup of coffee and he sat there in prayer thinking about what he learned in seminary and graduate school, and he said "and I prayed a prayer and I prayed out loud that night. I said Lord I'm down here trying to do what's right. I think I'm right. I think the cause that we represent is right. But Lord, I must confess that I'm weak now, I'm faltering, I'm losing my courage and I can't let the people see me like this because if they see me weak in losing my courage they will begin to get weak, and it seemed at that moment I could hear an inner voice saying to me Martin Luther stand up for righteousness stand up for justice stand up for truth and lo I will be with you even until the end of the world." that's what Dr. King believed - that racism is a deep deep sin, very deep in this nation in the human heart. Number two, that we still have a duty to work towards action that will limit the damage racism can do to God's children. But third, that our hope lies ultimately not in American democracy or in human hearts, but in the Risen Lord this is not necessarily a familiar or comforting version of Dr. King's message but it is what he believed, and on this day we may as well do him the honor of remembering him accurately."

Representative Young: "Thank you Mr. Speaker. It's an honor to rise and address the body today. I don't find now with my time in the legislature that I get nervous when I speak to the body; I'm nervous now. I don't share a lot of my personal story but it's nerve racking this to stand on a day like this and attempt to address a body when you're really standing in the shadows of such a great man. The words that you say should be poignant and they should be reverent and I hope I do them justice. Martin Luther King Jr. was a man of prayer. If you would oblige me I'd just like to say a quick prayer: "Father I just want to, I want to thank you for such a man as Martin Luther King Jr. I want to thank you for giving our national leaders the wisdom and the courage to enshrine him in 1983 as a man worthy of a national day and a national holiday. I want to thank you for the role that play in my upbringing as a young kid going through elementary school; being allowed to be introduced to such a man of character and example. Father it is so easy for us to overlook, maybe short change, the lessons that we can learn from a man like him because it's easy, it's easy and virtually pain free to read the quotes or hear the quotes that he said because we didn't have to necessarily go through and pay the price that he did to produce those quotes, to come up with the experiences that led him to develop the character that would then bless our nation with such an example, and I would just pray right now that you bless each one of us with a special wisdom. Imbue us with a character that would seek to do more than just short change him by reading his quotes but not taking the time to internalize them, because it's far too easy to overlook the lessons then if we do. In Jesus' name I pray. I think one of the lessons I've learned as a man: it is not easy to judge one by the content of their character; it's not easy. That line means so much to me; being introduced to it; watching it as a young man growing up in this world, but I've seen far too many people say "mmhmm" and hallelujah to that type of phrase but then immediately forget about it five minutes later and attempt to short change what that phrase really means to judge one by the content of their character. I have a couple of examples: they're personal; I hope you'll indulge me as I try to get through them. In the early eighties in Tacoma, there's a park; it's been on the news recently it's People's Park in Tacoma. There's a rather big homeless camp there; they're cleaning it up and that park sits along Martin Luther King Jr. Avenue. If you grew up there and you know it used to be called k. street, I remember when they dedicated to Martin Luther King Jr. There was a certain time, as my Mom was walking out her sobriety, she went to an AA meeting and took my brother and I; we didn't have a place for us to be watched so we came with her and we don't go into the meeting so we went over to People's Park and we had a basketball and we were just shooting hoops by ourselves and a group of kids came up. About ten, a dozen of them maybe; my brother and I are white and they were all black and they came and, now this is on Hilltop if you don't know the history of Tacoma, and they didn't really ask to play, more demanded to play and we obliged; smart enough street smarts to know what we're doing and the long story short was after maybe a round or two of the game, they beat the crap out of my brother and me bad and I had to walk through that and hopefully learn a lesson that wouldn't be imbued with hate. I have another story, it's on the corner of 12th and Union in Tacoma. On the southeast corner of 12th and Union in Tacoma, there used to exist an AM PM. It's not there any longer, for me and it's kind of a happy happenstance that it's no longer there because on that night during high school, I was out with a couple of friends and we stopped there for gas and another group of kids, there was about eight or nine of them, stopped into the gas station while we were pumping gas and start a fight with us. We were white they were black and they picked a fight with one of our friends; they picked the wrong one; his name was Reinhold; he knew how to take care of himself and we kind of, a few of my friends, kind of wimps, jumped in the store, didn't want to get around the fighting and Reinhold and this other kid, I don't know his name, got into a squabble and they started fighting and again he picked the wrong guy; Reinhold got the better of him a little bit and in the middle of that scrum a gun was produced and they coldcocked Reinhold in the back of the head and he started bleeding pretty bad. And within short order that gun was introduced into the front of my face; I could still see down the barrel of that gun right now, and while I sat there with that gun pointed at me I had to endure one of those young men who I could only, with the amount of energy that he had, could only believe he was high on drugs, and he came and five times in a row took a running start and punched me right in the face and I could do nothing about it. The best I could do is attempt to deflect it and make it seem like it was worse than it was. How am I supposed to judge the content of their character? It's not easy. Now that I've shared those stories in that way, I'd like to go back to the first story. I cannot hate, I can't because the truth is, in the first example where we were getting beat up, the kids, you know about a dozen divided, six of them, there were some bigger kids, there were some kids our age; it was a beat down. Half of them went after my brother, half of them went after me and I got to say

my brother took the worst of it and the reason why was because there was one particular kid there that protected me. While we were playing basketball he whispered in my ear, one of the older kids that was kind of the ringleader of them, said "Don't, don't go around him." and I stayed away from him but when they came to start beating us up, he took the lead on doing it and every time he would jump in to hit me, he would land a very soft blow and he would make it seem bigger than it was; he would put on a facade for his friends, and while he would throw the punch it would land softly; I didn't really get hurt. I felt bad for my brother that day because he took a much bigger beating, but that young man protected me. Doesn't matter that he was with the group; I doubt he started that day walking down the street with his friends expecting that they were going to get into some type of scrum like that, but the content of that man's character could be easily judged one way but in the sense that he stood up to protect me, I can only have love for him. I can't judge a group on its whole, you need to judge someone by the content of their individual character. We also got a ball back. He ended up grabbing the ball and I remember they were going to take the ball but he he ended up making a big show of it and said "You want this ball?" and he booted it, but the fact that he booted it gave us a chance to go get it and go home. Now on the night where that gun was stuck in my face while the scrum was happening after my friend was coldcocked in the back of the head we tried to break it up and there was another gentleman in that group that attempted to break it up with me, from the other group, and when I got in the stuck in my head, that guy put his hand on the arm of the person putting the gun in my face and calmed him down. I don't know, I probably wouldn't be here today if he hadn't done that. so now that guy steps back a few paces, the gun still pointed at me, and this this man that was trying to help break up the fight had calmed him. Now he did another thing too. Every time that the other gentleman came and punched in the face this guy made a big show of it "Ooh you really hit him hard! That should be good." I don't know how many times the guy would've hit me or what they would have done after it, but this guy stopped them from going further; he protected me. How am I supposed to judge that group? Collectively or should I judge him or judge him by the content of his character? Now if the police showed up, he might have gotten arrested. I wouldn't have wanted to see that man go to jail; he stood up for me. I doubt he started that night wanting to be in that situation. Judging the content of one's character is a tough thing to do. The third story, many of you know I have an adopted son Joseph; he's African-American. About seven months ago I got a chance to watch him stand up for his little brother, and I guess I don't have time to give the rest of my my speech on it but it was really touching to me to watch race not be a part of one young man standing up for another young man against friends that he had already had, he already accrued, and it really touched me and maybe I'm doing a good job as a father for my kids. Mr. Speaker I guess what I would end with is I would say this: each one of us here has our own squabbles. We have our own groups that we come to this with. We have people that surround us every day and we have an opportunity every time we do that, while we might get mad at each other, and I've made you people mad, some of you on the other side of the, I forced you to actually have to gavel me a few times, but I know this: we have an opportunity every day and we have a duty as legislators to try to look beyond the politics, look beyond all the squabbles that we have, the affiliations that we have and judge each and every one of us by the content of our character. If we do we will have earned our seat at the table of brotherhood that Reverend King talked about and Mr. Speaker, I'm looking at you right now to tell you in spite of all the squabbles I hope you know something I love you. I love every member of this body. Regardless of the squabbles I hope you know that if something were to happen, if danger were to present itself I would stand in front of you to protect you because I know the content of your character and I appreciate it and I appreciate every member of this body and I thank you for the opportunity to rise and share those testimonies with you today."

HOUSE RESOLUTION NO. 4647 was adopted.

POINT OF PERSONAL PRIVILEGE

Representative Santos: Mr. Speaker, I rise for a point of personal privilege. I make the motion that the remarks of the preceding speakers be spread upon the Journal.

The motion to spread the remarks of the preceding speakers was adopted.

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

MESSAGES FROM THE SENATE

January 17, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5165,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

January 17, 2020

Mme. SPEAKER:

The Senate has passed:

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5740,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

Draft

HB 2699 by Representatives Stonier, Appleton, Fitzgibbon, Lekanoff, Goodman, Fey and Pollet

AN ACT Relating to developing comprehensive school counseling programs; adding new sections to chapter 28A.320 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2700 by Representatives Mosbrucker, Chapman, Chandler, Hoff, Sells, Goehner, Eslick, Dent, Davis and Pollet

AN ACT Relating to insurance coverage of prosthetics and orthotics; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2701 by Representatives Ormsby, Eslick and Riccelli

AN ACT Relating to inspection and testing of fire and smoke control systems and dampers; amending RCW 43.43.944; adding new sections to chapter 19.27 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Local Government.

HB 2702 by Representatives Thai, Chandler, Steele, Rude, Macri, Griffey, Stonier, Dolan, Pettigrew, Appleton, Leavitt, Kloba, Riccelli, Callan, Ramos, Young and Ormsby

AN ACT Relating to allowing chiropractors to deliver care to medicaid patients; and amending RCW 74.09.520.

Referred to Committee on Appropriations.

HB 2703 by Representatives Chapman, Mosbrucker, Irwin, Goehner, Steele, Barkis, Kraft, Chandler, Orcutt, Gildon, Caldier, Eslick, Volz, Shea, Fey and Young

AN ACT Relating to applying the public records act to all courts and offices within the judicial branch; and amending RCW 42.56.010.

Referred to Committee on State Government & Tribal Relations.

HB 2704 by Representatives Caldier, Orwall, Griffey, Mosbrucker, Callan, Appleton, Davis, Tarleton, Pollet and Ormsby

AN ACT Relating to establishing a competitive grant program for community sexual assault programs to provide counseling services in schools; and adding a new section to chapter 43.280 RCW.

Referred to Committee on Appropriations.

HB 2705 by Representatives Dye, Dent, Blake and Eslick

AN ACT Relating to special antlerless deer hunting seasons; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2706 by Representatives Kirby, Thai, Goodman and Davis

AN ACT Relating to licensure of music therapists; amending RCW 18.120.020; reenacting and amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care & Wellness.

HB 2707 by Representatives Kirby, Thai, Robinson, Riccelli, Goodman and Davis

AN ACT Relating to licensure of music therapists; amending RCW 18.120.020; reenacting and amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care & Wellness.

HB 2708 by Representatives Stonier, Riccelli, Harris, Robinson, Leavitt, Senn, Pettigrew, Macri, Appleton, Davis, Tharinger, Pollet and Ormsby

AN ACT Relating to establishing a work group on school-based health centers; creating a section; and providing an expiration date.

Referred to Committee on Education.

HB 2709 by Representatives Lovick, Dent and Goodman

AN ACT Relating to food benefits trafficking; amending RCW 9.91.140; reenacting and amending RCW 9.94A.515; repealing RCW 9.91.142 and 9.91.144; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2710 by Representatives Robinson, Tarleton, Cody, Tharinger and Ormsby

AN ACT Relating to modifying the uses, disclosure, and requirement dates of prescription drug price transparency data; and amending RCW 43.71C.020, 43.71C.030, 43.71C.040, 43.71C.050, 43.71C.060, 43.71C.070, 43.71C.080, and 43.71C.100.

Referred to Committee on Health Care & Wellness.

HB 2711 by Representatives J. Johnson, Corry, Stonier, Ormsby, Appleton, Caldier, Davis, Leavitt,

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Lekanoff, Ramel, Senn, Chopp, Goodman, Fey, Pollet, Callan and Chambers

AN ACT Relating to equitable educational outcomes for foster care and homeless children and youth from prekindergarten to postsecondary education; amending RCW 74.13.1051; adding a new section to chapter 28A.300 RCW; creating a new section; and repealing RCW 28A.300.8001.

Referred to Committee on Education.

HB 2712 by Representatives Kretz, Riccelli, Maycumber, Lekanoff, Mosbrucker, Chopp, Walsh, Chapman, Harris, Blake, Dent, Pettigrew, Rude, Springer, Steele, Appleton, Caldier, Fitzgibbon, Leavitt, Eslick, Volz, Van Werven, Shea, Cody, Tharinger, Robinson, Young and Ormsby

AN ACT Relating to requiring retailers to indicate the country of origin on beef sold to the public; and adding a new section to chapter 15.04 RCW.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2713 by Representatives Walen, Chandler, Springer, Kretz, Fitzgibbon, Blake, Doglio, Davis, Ramel, Goodman and Pollet

AN ACT Relating to encouraging compost procurement and use; adding new sections to chapter 43.19A RCW; creating new sections; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 2714 by Representatives Hoff, Fitzgibbon, Orcutt, Blake, Chapman, Lekanoff, Van Werven, Tharinger and Kretz

AN ACT Relating to valuing the carbon in forest riparian easements; amending RCW 76.13.120; and creating a new section.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2715 by Representatives Gregerson, Orwall, Sells, Lekanoff, Valdez, Goodman and Pollet

AN ACT Relating to minimum labor standards for certain employees working at an airport or air navigation facility; and amending RCW 14.08.330 and 14.08.120.

Referred to Committee on Labor & Workplace Standards.

HB 2716 by Representatives Fitzgibbon, Walsh, Ormsby, Bergquist, Stokesbary, Volz and Tharinger

AN ACT Relating to protecting the confidentiality of retirement system files and records relating to health information; amending RCW 42.56.360; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Appropriations.

HB 2717 by Representatives Ortiz-Self, Rude, Sullivan, Harris, Bergquist, Stonier, Boehnke, Davis, Eslick, Goodman, Senn, Tharinger and Ormsby

AN ACT Relating to allowing the learning assistance program to support school-wide behavioral health system of supports and interventions; and amending RCW 28A.165.035 and 28A.165.005.

Referred to Committee on Education.

HB 2718 by Representatives Walsh, Shea, Young, Gildon, Eslick, Van Werven, Kretz and Chambers

AN ACT Relating to protecting parental rights with regard to insurance communication confidentiality of minors; reenacting and amending RCW 48.43.005; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2719 by Representatives Callan, Bergquist, Thai, Dolan, Duerr, Kilduff, Leavitt, Goodman and Tharinger

AN ACT Relating to the use of K-3 class size funding for student supports; amending RCW 28A.150.260; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Appropriations.

HB 2720 by Representatives Hudgins, Vick, Jenkin and Blake

AN ACT Relating to the application of gambling loss recovery laws to certain online games of chance; amending RCW 4.24.070; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 2721 by Representatives Mead, Kilduff, Leavitt and Boehnke

AN ACT Relating to the joint center for aerospace technology innovation; and amending RCW 43.131.417 and 43.131.418.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2722 by Representatives Mead, Fitzgibbon, Peterson, Doglio, Goodman, Gregerson, Slatter, Tarleton, Davis, Duerr, Ramel, Walen, Cody, Senn and Pollet

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AN ACT Relating to minimum recycled content requirements; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 2723 by Representative Wylie

AN ACT Relating to off-road vehicle and snowmobile registration enforcement; amending RCW 46.09.420, 46.09.442, 46.10.410, 46.93.210, 46.09.495, and 46.10.505; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Transportation.

HB 2724 by Representatives Macri, Gregerson, Stonier, Thai, Davis, Chopp, Robinson and Pollet

AN ACT Relating to residential tenant protections; amending RCW 59.18.057, 59.18.365, 59.18.410, 59.18.230, 59.18.290, 59.18.140, and 43.31.605; creating a new section; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 2725 by Representatives Ortiz-Self, Morgan, Frame, Kilduff, Lovick, Callan and Leavitt

AN ACT Relating to foster resource parents; amending RCW 4.24.230, 4.92.060, 4.92.070, 4.92.150, 9A.44.093, 9A.44.096, 13.34.045, 13.34.145, 13.34.215, 13.34.234, 13.34.260, 13.34.385, 13.34.820, 13.36.090, 13.38.130, 26.44.031, 26.44.190, 28A.150.510, 41.04.674, 43.06A.085, 43.216.015, 43.216.035, 46.18.245, 48.18.565, 49.46.210, 50A.05.010, 74.13.250, 74.13.270, 74.13.285, 74.13.310, 74.13.315, 74.13.333, 74.13.335, 74.13.650, 74.13.660, 74.13.700, 74.14B.020, and 74.14B.080; reenacting and amending RCW 70.47.020 and 74.13.031; and creating a new section.

Referred to Committee on Human Services & Early Learning.

HB 2726 by Representatives Tharinger, Appleton, Chapman and Robinson

AN ACT Relating to the types of marijuana-infused edible products that may be lawfully processed and sold in the regulated marijuana market, including products requiring refrigeration; amending RCW 69.07.200; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce & Gaming.

HB 2727 by Representatives Doglio, Springer, Peterson and MacEwen

AN ACT Relating to creating a retail liquor license for restaurants operated in connection with a course offered by postsecondary institutions; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 2728 by Representatives Slatter, Davis, Senn, Bergquist, Frame, Fey and Pollet

AN ACT Relating to implementation of a sustainable funding model for the services provided through the children's mental health services consultation program and the telebehavioral health video call center; amending RCW 71.24.061; and adding new sections to chapter 71.24 RCW.

Referred to Committee on Appropriations.

HB 2729 by Representatives Dufault, Chapman, Schmick, Chandler, Corry, Eslick, Rude, MacEwen, Stokesbary, Sutherland, Kretz and Chambers

AN ACT Relating to providing enhanced payment to low volume, small rural hospitals; amending RCW 74.09.5225; and creating a new section.

Referred to Committee on Appropriations.

HB 2730 by Representatives Kilduff, Ryu, Klippert, Appleton, Caldier, Davis, Leavitt and Ormsby

AN ACT Relating to military spouse employment; adding a new section to chapter 73.16 RCW; and adding a new section to chapter 38.42 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2731 by Representatives Irwin, Doglio, Davis, Pollet and Leavitt

AN ACT Relating to reporting of student head injury information sustained during athletics and other activities; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 2732 by Representatives Riccelli, Barkis, Orwall, Mosbrucker, Appleton, Davis, Leavitt, Valdez, Goodman and Pollet

AN ACT Relating to expanding the landlord mitigation program to alleviate the financial burden on victims attempting to flee domestic violence, sexual assault, unlawful harassment, or stalking; amending RCW 43.31.605, 59.18.280, and 59.18.575; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 2733 by Representative Davis

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AN ACT Relating to supporting relationships between parents and their children; amending RCW 13.34.020, 13.34.065, 13.34.190, 13.34.210, 26.11.020, 26.11.030, 26.33.295, 26.44.020, 71.12.680, 71.12.682, 71.12.684, and 71.12.686; and prescribing penalties.

Referred to Committee on Human Services & Early Learning.

HB 2734 by Representatives Davis, Walen, Macri, Frame, Sells, Ramel, Peterson, Bergquist, Santos, Doglio, Valdez, Fitzgibbon, Riccelli, Kloba, Gregerson, Cody, Chopp, Stonier, Thai, Robinson, Appleton, Duerr, Lekanoff, Tarleton, Chapman, Pollet, Ramos, Ormsby and Pellicciotti

AN ACT Relating to creating pathways to recovery from addiction by eliminating a tax preference for the warehousing of opioids and other drugs; amending RCW 82.04.272; adding a new section to chapter 71.24 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 2735 by Representatives Springer, Walen, Slatter, Fitzgibbon, Kloba and Pollet

AN ACT Relating to allowing limited authority officers to issue infractions for violations detected through automated traffic safety and school bus safety cameras; and amending RCW 46.16A.120, 46.63.030, 46.63.140, 46.63.170, 46.63.180, and 46.75.050.

Referred to Committee on Public Safety.

HB 2736 by Representatives Kilduff, Klippert and Leavitt

AN ACT Relating to the retirement age for state guard members; and amending RCW 38.16.015.

Referred to Committee on Housing, Community Development & Veterans.

HB 2737 by Representatives Callan, Dent, Frame, Stonier, Eslick, Lovick, Entenman, Senn, Caldier, Davis, Leavitt, Bergquist, Goodman, Riccelli and Chambers

AN ACT Relating to revising the name, term, membership, and duties of the children's mental health work group; and amending RCW 74.09.4951.

Referred to Committee on Human Services & Early Learning.

HB 2738 by Representatives Frame, Dent, Kilduff, Klippert, Senn, Ortiz-Self, Leavitt, Chopp, Bergquist, Kloba and Pollet

AN ACT Relating to the budgeting process for services for individuals with developmental disabilities; amending RCW 43.88C.010; adding new sections to chapter 71A.12 RCW; creating a new section; and repealing RCW 71A.18.020.

Referred to Committee on Appropriations.

HB 2739 by Representatives Kloba, Stonier, Appleton, Davis and Duerr

AN ACT Relating to adjusting certain requirements of the shared leave program; and amending RCW 41.04.665.

Referred to Committee on State Government & Tribal Relations.

HB 2740 by Representatives Kloba, Macri, Stonier, Appleton, Fitzgibbon, Lekanoff and Tharinger

AN ACT Relating to the employment of individuals who lawfully consume marijuana; amending RCW 69.51A.060; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2741 by Representatives Van Werven and Chambers

AN ACT Relating to increasing the abundance of salmonids in Washington waters; amending RCW 77.95.320; and creating new sections.

Referred to Committee on Appropriations.

HB 2742 by Representatives Kloba, Hudgins, Lekanoff and Pollet

AN ACT Relating to the management and oversight of personal data; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2743 by Representatives Peterson, Appleton, Lekanoff, Kloba and Tharinger

AN ACT Relating to modifying the excise tax for medical marijuana patients with recognition cards for products identified as beneficial for medical use; amending RCW 69.50.535; and providing an effective date.

Referred to Committee on Finance.

HB 2744 by Representatives Doglio, Duerr, Davis, Fitzgibbon and Ramel

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AN ACT Relating to improving environmental and social outcomes associated with the production of building materials; amending RCW 39.04.350, 39.10.330, 39.10.360, 39.26.160, 36.32.245, 36.32.250, 35.23.352, 39.04.155, 53.08.120, 54.04.070, and 57.08.050; adding a new section to chapter 19.27 RCW; adding a new chapter to Title 39 RCW; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 2745 by Representatives Fey, Appleton and Davis

AN ACT Relating to requiring the department of health to conduct a study on treatments for pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2746 by Representatives Ramel, Macri, Lekanoff, Morgan, Fey, Davis, Duerr, Tharinger, Robinson and Pollet

AN ACT Relating to affordable housing incentives; and amending RCW 84.14.005, 84.14.020, 84.14.040, 84.14.060, and 84.14.100.

Referred to Committee on Finance.

HB 2747 by Representatives Ramel, Lekanoff, Riccelli and Ormsby

AN ACT Relating to establishing the state microanimal; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 2748 by Representatives Ramel, Davis, Fey, Lekanoff and Fitzgibbon

AN ACT Relating to parking cash out programs; adding a new section to chapter 49.64 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2749 by Representatives Orwall, Gregerson, Entenman and Sullivan

AN ACT Relating to authorizing an extension of time for certain cities to decline to partner with the department of revenue for the issuance or renewal of general business licenses; and amending RCW 35.90.020.

Referred to Committee on Finance.

HB 2750 by Representatives Lekanoff, Tharinger, Robinson, Cody, Chopp, Leavitt, Ramel, Appleton, Davis, Valdez, Goodman, Chapman, Riccelli, Pollet and Ormsby

AN ACT Relating to improving the Indian behavioral health system in this state; amending RCW 71.24.035, 71.24.155, 71.05.150, 71.05.150, 71.05.201, 71.05.212, 71.05.435, and 70.02.010; reenacting and amending RCW 71.24.025, 71.05.020, and 70.02.230; providing effective dates; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2751 by Representatives Pettigrew, DeBolt, Lekanoff, Maycumber, Fitzgibbon, Rude, Chapman, Tharinger, Pollet and Ormsby

AN ACT Relating to tribal-state relations; reenacting and amending RCW 1.16.050; adding a new chapter to Title 44 RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 2752 by Representatives Lekanoff, Eslick and Dent

AN ACT Relating to directing the department of fish and wildlife to review certain wildlife management plans; adding new sections to chapter 77.36 RCW; and creating a new section.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2753 by Representatives Lekanoff, Ramel, Bergquist and Pollet

AN ACT Relating to school district enrichment levies; and amending RCW 84.52.0531.

Referred to Committee on Education.

HB 2754 by Representatives Lekanoff, Tharinger, Robinson, Cody, Chopp, Leavitt, Ramel, Appleton, Davis, Valdez, Tarleton, Goodman, Chapman, Pollet and Ormsby

AN ACT Relating to addressing the suicide and addiction crisis among American Indians and Alaska Natives in this state; and amending RCW 43.71B.901 and 43.71B.010.

Referred to Committee on Health Care & Wellness.

HB 2755 by Representatives Schmick, Caldier and Cody

AN ACT Relating to transparency regarding the cost of air ambulance services; amending RCW 43.371.060; and adding a new section to chapter 18.73 RCW.

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Referred to Committee on Health Care & Wellness.

HB 2756 by Representatives Shea and Kretz

AN ACT Relating to advanced metering infrastructure; amending RCW 19.29A.010; and adding a new section to chapter 19.29A RCW.

Referred to Committee on Environment & Energy.

HJM 4016 by Representatives Riccelli, Volz, Graham, Fey, Lovick, Valdez, Maycumber, Leavitt, Tarleton, Shea and Ormsby

Requesting to commence proceedings in naming state route number 902 the Gold Star Memorial Highway.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2716 which was referred to the Committee on State Government & Tribal Affairs.

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

SECOND READING

HOUSE BILL NO. 1422, by Representatives Valdez, Harris, Tharinger, Jinkins, Macri, Kilduff, Van Werven, Doglio, Morgan, Fey and Ormsby

Concerning the protection of vulnerable adults.

The bill was read the second time.

There being no objection Substitute House Bill No. 1422 was substituted for House Bill No. 1422 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1422 was read the second time.

Representative Valdez moved the adoption of amendment (990).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.34.020 and 2019 c 325 s 5030 are each amended to read as follows:

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

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means ((~~the willful~~)) an intentional, knowing, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. Accidental actions that result in injury are not abuse. Actions reasonable to protect a person from an immediate and substantial risk of injury are not physical abuse, mental abuse, or improper use of restraint. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish.

(a) For the purpose of this subsection, the following definitions apply:

(i) INTENTIONAL. A person acts with intent or intentionally when he or she acts with the objective or purpose to inflict injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult.

(ii) KNOWING. A person knows, or acts knowingly or with knowledge, when he or she is aware that his or her actions would inflict injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult.

(iii) RECKLESS. A person is reckless or acts recklessly when he or she knows of and disregards a substantial risk that his or her action is likely to inflict injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult, and his or her disregard of such substantial risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.

(b) Abuse includes sexual abuse, mental abuse, physical abuse, ((~~and~~)) personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

((~~(a)~~)) (i) "Sexual abuse" means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a

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facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

((~~(b)~~)) (ii) "Physical abuse" means the ((~~willful~~)) action of intentionally, knowingly, or recklessly inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

((~~(c)~~)) (iii) "Mental abuse" means a ((~~willful~~)) verbal or nonverbal action that intentionally, knowingly, or recklessly threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

((~~(d)~~)) (iv) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

((~~(e)~~)) (v) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that: ((~~(i)~~)) (A) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; ((~~(ii)~~)) (B) is not medically authorized; or ((~~(iii)~~)) (C) otherwise constitutes abuse under this section.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(5) "Department" means the department of social and health services.

(6) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 70.97 RCW, enhanced services facilities; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department.

(7) "Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

(8) "Financial institution" has the same meaning as in RCW 30A.22.040 and 30A.22.041. For purposes of this chapter only, "financial institution" also means a "broker-dealer" or "investment adviser" as defined in RCW 21.20.005.

(9) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter

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72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(10) "Incapacitated person" means a person who is at a significant risk of personal or financial harm under RCW 11.88.010(1) (a), (b), (c), or (d).

(11) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(12) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(13)(a) "Isolate" or "isolation" means to restrict a vulnerable adult's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including but not limited to:

(i) Acts that prevent a vulnerable adult from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct the vulnerable adult from meeting with others, such as telling a prospective visitor or caller that a vulnerable adult is not present, or does not wish contact, where the statement is contrary to the express wishes of the vulnerable adult.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(14) "Mandated reporter" is an employee of the department or the department of children, youth, and families; law enforcement officer; social worker; professional school personnel; individual provider; ((~~an employee of a facility;~~)) an operator of a facility or a certified residential services and supports agency under chapter 71A.12 RCW; an employee of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, ((~~or~~)) hospice, or certified residential services and supports agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(15) "Mechanical restraint" means any device attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(16) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

(17) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(18) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding without undue force a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(19) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the

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vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(20) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(21) "Social worker" means:

(a) A social worker as defined in RCW 18.320.010(2); or

(b) Anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of vulnerable adults, or providing social services to vulnerable adults, whether in an individual capacity or as an employee or agent of any public or private organization or institution.

(22) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Found incapacitated under chapter 11.88 RCW; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

(23) "Vulnerable adult abuse registry" means a list of individuals who have a final substantiated finding by the department of abuse, abandonment, neglect, or financial exploitation of a vulnerable adult.

(24) "Vulnerable adult advocacy team" means a team of three or more persons who coordinate a multidisciplinary process, in compliance with chapter 266, Laws of 2017 and the protocol governed by RCW 74.34.320, for preventing, identifying, investigating, prosecuting, and providing services related to abuse, neglect, or financial exploitation of vulnerable adults.

Sec. 2. RCW 74.34.063 and 2017 3rd sp.s. c 6 s 818 are each amended to read as follows:

(1) The department shall initiate a response to a report, no later than twenty-four hours after knowledge of the report, of suspected abandonment, abuse, financial exploitation, neglect, or self-neglect of a vulnerable adult.

(2) When the initial report or investigation by the department indicates that the alleged abandonment, abuse, financial exploitation, or neglect may be criminal, the department shall make an immediate report to the appropriate law enforcement agency. The department and law enforcement will coordinate in investigating reports made under this chapter. The department may provide protective services and other remedies as specified in this chapter.

(3) The law enforcement agency or the department shall report the incident in writing to the proper county prosecutor or city attorney for appropriate action whenever the investigation reveals that a crime may have been committed.

(4) Upon request, the department and law enforcement ((~~may~~)) must share information contained in reports and findings of abandonment, abuse, financial exploitation, and neglect of vulnerable adults with each other, consistent with RCW 74.04.060((~~, chapter 42.56 RCW,~~)) and other applicable confidentiality laws. The information contained in reports and findings may not be further disseminated and is not subject to disclosure under chapter 42.56 RCW.

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(5) ((~~Unless prohibited by federal law, the department of social and health services may share with the department of children, youth, and families information contained in reports and findings of abandonment, abuse, financial exploitation, and neglect of vulnerable adults.~~)) (a) The investigation of alleged abandonment, abuse, financial exploitation, neglect, or self-neglect of a vulnerable adult is a legitimate state purpose. Upon request, the department and the department of children, youth, and families must share information with each other contained in reports and findings of: (i) Abandonment, abuse, financial exploitation, neglect, or self-neglect of vulnerable adults; and (ii) abuse and neglect of children but only for the purposes set forth in (b) of this subsection.

(b) Upon request, the department and the department of children, youth, and families may only share information with each other to the extent that such information pertains to or may assist with (i) investigating or preventing child abuse or neglect; (ii) providing for the health and well-being of children in foster care; or (iii) investigating or preventing the abandonment, abuse, financial exploitation, neglect, or self-neglect of a vulnerable adult.

(c) This information sharing is required for purposes of the federal health insurance portability and accountability act of 1996. The information contained in reports and findings retains its confidentiality under federal and state law and may not be further disseminated except as authorized by law. This information is not subject to public disclosure under chapter 42.56 RCW.

(6) The department shall notify the proper licensing authority concerning any report received under this chapter that alleges that a person who is professionally licensed, certified, or registered under Title 18 RCW has abandoned, abused, financially exploited, or neglected a vulnerable adult.

Sec. 3. RCW 74.34.095 and 2013 c 23 s 218 are each amended to read as follows:

(1) The following information is confidential and not subject to disclosure, except as provided in this section:

(a) A report of abandonment, abuse, financial exploitation, or neglect made under this chapter;

(b) The identity of the person making the report; and

(c) All files, reports, records, communications, and working papers used or developed in the investigation or provision of protective services.

(2) Information considered confidential may be disclosed only for a purpose consistent with this chapter, or as authorized by chapter 18.20, 18.51, or 74.39A RCW((~~, or as authorized by~~)); the long-term care ombuds programs under federal law or state law, chapter 43.190 RCW; or the office of the developmental disabilities ombuds program under chapter 43.382 RCW.

(3) A court or presiding officer in an administrative proceeding may order disclosure of confidential information only if the court, or presiding officer in an administrative proceeding, determines that disclosure is essential to the administration of justice and will not endanger the life or safety of the vulnerable adult or individual who made the report. The court or presiding officer in an administrative hearing may place restrictions on such disclosure as the court or presiding officer deems proper.

(4)(a) Except as provided in (b) of this subsection, upon a request for information regarding a specifically named vulnerable adult, the department may disclose only the following information:

(i) Whether or not a report was received;

(ii) The status of the report; and

(iii) The outcome of an investigation.

(b) The department may not disclose any information regarding a specifically named vulnerable adult if any of the following circumstances apply:

(i) The information concerns a vulnerable adult residing in or receiving services from a department licensed or certified facility or provider where an unannounced investigation in response to the report has not been initiated;

(ii) The requester is the alleged perpetrator;

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(iii) The department has a reasonable belief that disclosure may compromise any investigation by a law enforcement agency, disciplinary authority, the department, or the department of children, youth, and families; or

(iv) The department has a reasonable belief that the information may endanger any person.

Sec. 4. RCW 74.34.110 and 2007 c 312 s 3 are each amended to read as follows:

(1) An action known as a petition for an order for protection of a vulnerable adult in cases of abandonment, abuse, financial exploitation, or neglect is created.

((~~(1)~~)) (a) A vulnerable adult, or interested person on behalf of the vulnerable adult, may seek relief from abandonment, abuse, financial exploitation, or neglect, or the threat thereof, by filing a petition for an order for protection in superior court.

((~~(2)~~)) (b) A petition shall allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by respondent.

((~~(3)~~)) (c) A petition shall be accompanied by affidavit made under oath, or a declaration signed under penalty of perjury, stating the specific facts and circumstances which demonstrate the need for the relief sought. If the petition is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.

((~~(4)~~)) (d) A petition for an order may be made whether or not there is a pending lawsuit, complaint, petition, or other action pending that relates to the issues presented in the petition for an order for protection.

((~~(5)~~)) (e) Within ninety days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms and instructions required by RCW 74.34.115.

((~~(6)~~)) (f) Any assistance or information provided by any person, including, but not limited to, court clerks, employees of the department, and other court facilitators, to another to complete the forms provided by the court in (e) of this subsection ((~~(5) of this section~~)) does not constitute the practice of law.

((~~(7)~~)) (g) A petitioner is not required to post bond to obtain relief in any proceeding under this section.

((~~(8)~~)) (h) An action under this section shall be filed in the county where the vulnerable adult resides; except that if the vulnerable adult has left or been removed from the residence as a result of abandonment, abuse, financial exploitation, or neglect, or in order to avoid abandonment, abuse, financial exploitation, or neglect, the petitioner may bring an action in the county of either the vulnerable adult's previous or new residence.

((~~(9)~~)) (i) No filing fee may be charged to the petitioner for proceedings under this section. Standard forms and written instructions shall be provided free of charge.

(2) A vulnerable adult who is the victim of stalking, or an interested person on behalf of the vulnerable adult, may apply for a stalking protection order under RCW 7.92.040.

Sec. 5. RCW 74.34.300 and 2016 c 172 s 4 are each amended to read as follows:

(1) The department shall conduct quality assurance reviews to monitor processes related to the receipt of and timely response to reports of vulnerable adult abuse, abandonment, neglect, self-neglect, and financial exploitation; quality of investigations; and implementation of protective services.

(a) As part of the quality assurance process, the department shall conduct a vulnerable adult fatality review in the event of a death of a vulnerable adult when the department has reason to believe that the death of the vulnerable adult may be related to the abuse, abandonment, financial exploitation, or neglect of the vulnerable adult, or may be related to the vulnerable adult's self-neglect, and the vulnerable adult was:

((~~(a)~~)) (i) Receiving home and community-based services in his or her own home or licensed or certified settings, described under chapters 74.39, 74.39A, 18.20, 70.128, and 71A.12

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RCW, within sixty days preceding his or her death; or

((~~(b)~~)) (ii) Living in his or her own home or licensed or certified settings described under chapters 74.39, 74.39A, 18.20, 70.128, and 71A.12 RCW and was the subject of a report under this chapter received by the department within twelve months preceding his or her death.

((~~(2)~~)) (b) When conducting a vulnerable adult fatality review of a person who had been receiving hospice care services before the person's death, the review shall provide particular consideration to the similarities between the signs and symptoms of abuse and those of many patients receiving hospice care services.

(2)(a) Quality assurance reviews completed pursuant to this section are not subject to discovery in a civil or administrative proceeding and may not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to this section.

(b) A department employee responsible for conducting quality assurance reviews, or a member of a quality assurance team, may not be examined in a civil or administrative proceeding regarding (i) the work of the quality assurance review or quality assurance team, (ii) the incident under review, (iii) his or her statements, deliberations, thoughts, analyses, or impressions relating to the work of the quality assurance review or the incident under review, or (iv) the statements, deliberations, thoughts, analyses, or impressions of any other member of the quality assurance review or quality assurance team, or any person who provided information to the quality assurance review or quality assurance team, relating to the work of the quality assurance review or the incident under review.

(c) Documents prepared by or for a quality assurance review or quality assurance team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a quality assurance review, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by a quality assurance team. A person is not unavailable as a witness merely because the person has been interviewed by or has provided a statement for a quality assurance review, but if called as a witness, a person may not be examined regarding the person's interactions with the quality assurance review including, without limitation, whether the person was interviewed during such review, the questions that were asked during such review, and the answers that the person provided during such review. This section does not restrict the person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(3) ((~~All files, reports, records, communications, and working papers used or developed for purposes of a fatality review are confidential and not subject to disclosure pursuant to RCW 74.34.095.~~

~~(4)~~)) The department may adopt rules to implement this section.

NEW SECTION. **Sec. 6.** A new section is added to chapter 74.34 RCW to read as follows:

(1) The department shall maintain a vulnerable adult abuse registry. Upon request of any person, the department may disclose the identity of a person who has been entered on the registry with a final substantiated finding of abandonment, abuse, financial exploitation, or neglect of a vulnerable adult.

(2) The department must develop a process in rule by which the department may remove individuals from the vulnerable adult abuse registry. The process must not allow a removal that would conflict with federal law.

(3) Except as described in subsection (4) of this section, a person who is on the vulnerable adult abuse registry may petition the department, in writing, for removal from the registry after three years have elapsed from the date on which the final substantiated finding is entered.

(4) A person may not petition the department to be removed from the registry if:

(a) The final substantiated finding that the person abused, abandoned, neglected, or financially exploited a vulnerable adult included information that:

(i) The person sexually abused a vulnerable adult;

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(ii) The abuse or neglect caused a vulnerable adult to suffer great bodily harm or death;

(iii) The person financially exploited a vulnerable adult of property, resources, or services exceeding five thousand dollars; or

(iv) The abuse involved a lethal weapon;

(b) The person has a conviction for a disqualifying crime under RCW 43.43.842;

(c) The person has more than one final substantiated finding of abuse, abandonment, neglect, financial exploitation, or any combination thereof, of a vulnerable adult; or has a final substantiated finding involving more than one vulnerable adult victim; or has a final substantiated finding involving multiple instances of misconduct against a single vulnerable adult victim; or

(d) The person is a nursing assistant whose name is on the registry for conduct committed while working as a certified nursing assistant in a nursing facility, unless the removal from the registry maintained by the department under 42 C.F.R. Sec. 483.156 would be authorized under 42 U.S.C. Sec. 1396r(g)(1)(D).

(5) A person may petition the department for removal from the vulnerable adult abuse registry a maximum of three times and may only file one petition in any twelve-month period.

(6) If the petition is granted, the individual is removed from the vulnerable adult abuse registry and the individual is no longer disqualified from employment under RCW 74.39A.056 or 18.20.125 by reason of the final substantiated finding. Nothing in this subsection affects a finding against the individual that is on the vulnerable adult abuse registry maintained by the department under 42 C.F.R. Sec. 483.156 unless removal from that registry is permitted by 42 U.S.C. Sec. 1396r(g)(1)(D).

(7) If the department removes an individual from the vulnerable adult abuse registry, the department shall maintain a record of the individual and the underlying finding. These records are exempt from disclosure under subsection (1) of this section and chapter 42.56 RCW.

(8)(a) The state of Washington and its officers, employees, contractors, agents, and agencies, including the department, are immune from suit in law, equity, or any action under the administrative procedure act, chapter 34.05 RCW, based on the exercise of discretion to remove an individual from the vulnerable adult abuse registry, except as specified in (b) of this subsection. This section does not modify an applicant's right to seek review of an agency's licensing or certification decision under the administrative procedure act, chapter 34.05 RCW, or other applicable statute or agency rule.

(b) A person denied removal from the vulnerable adult abuse registry has the right to an adjudicative proceeding, and to judicial review of that adjudicative proceeding, to challenge the denial pursuant to chapter 34.05 RCW. In any such proceeding, it is the appellant's burden to prove that the appellant should be removed from the registry.

(9)(a) Except as provided in (b) of this subsection, the following information is inadmissible and may not be used against the department or its employees in any civil or administrative action related to the hiring of a person who is or was on the vulnerable adult abuse registry:

(i) Documents prepared by department staff during the department's review and consideration of a petition for removal of a registry finding; and

(ii) Facts related to the underlying finding, including the underlying finding itself.

(b) Any documents that existed before a petition for removal was filed or that were created independently of the department's review and consideration of such petition do not become inadmissible merely because they were used during the department's review process.

(10) An individual's removal from the vulnerable adult abuse registry does not require an employer to use that individual for the care of, or allow that individual unsupervised access to, vulnerable adults.

(11) The department shall adopt rules necessary to implement this section.

(12) Nothing in this section limits any rights or remedies available under federal law, including the removal of a

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name from the nurse aide registry under 42 U.S.C. Sec. 1395i-3(g)(1)(D).

(13) This section does not create a protected class; private right of action; any right, privilege, or duty; or change any right, privilege, or duty existing under law.

Sec. 7. RCW 74.39A.056 and 2018 c 278 s 8 are each amended to read as follows:

(1)(a) All long-term care workers shall be screened through state and federal background checks in a uniform and timely manner to verify that they do not have a history that would disqualify them from working with vulnerable persons. The department must process background checks for long-term care workers and make the information available to employers, prospective employers, and others as authorized by law.

(b)(i) Except as provided in (b)(ii) of this subsection, for long-term care workers hired on or after January 7, 2012, the background checks required under this section shall include checking against the federal bureau of investigation fingerprint identification records system and against the national sex offenders registry or their successor programs. The department shall require these long-term care workers to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. The department shall not pass on the cost of these criminal background checks to the workers or their employers.

(ii) This subsection does not apply to long-term care workers employed by community residential service businesses until January 1, 2016.

(c) The department shall share state and federal background check results with the department of health in accordance with RCW 18.88B.080.

(d) Background check screening required under this section and department rules is not required for an employee of a consumer directed employer if all of the following circumstances apply:

(i) The individual has an individual provider contract with the department;

(ii) The last background check on the contracted individual provider is still valid under department rules and did not disqualify the individual from providing personal care services;

(iii) Employment by the consumer directed employer is the only reason a new background check would be required; and

(iv) The department's background check results have been shared with the consumer directed employer.

(2) ((~~No provider, or its staff, or long-term care worker, or prospective provider or long-term care worker, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority or a court of law or entered into a state registry with a final substantiated finding of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.~~)) A provider may not be employed in the care of and have unsupervised access to vulnerable adults if:

(a) The provider is on the vulnerable adult abuse registry as defined in RCW 74.34.020 or on any other registry based upon a finding of abuse, abandonment, neglect, or financial exploitation;

(b) On or after October 1, 1998, the department of children, youth, and families, or its predecessor agency, has made a founded finding of abuse or neglect of a child against the provider;

(c) A disciplining authority, including the department of health, has made a finding of abuse, abandonment, neglect, or financial exploitation of a minor or a vulnerable adult against the provider; or

(d) A court has issued an order that includes a finding of fact or conclusion of law that the provider has committed abuse, abandonment, neglect, or financial exploitation of a minor or vulnerable adult.

(3) ((~~The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have final substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must~~

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~~include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, final substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information must also be shared with the department of health to advance the purposes of chapter 18.88B RCW.~~)) For the purposes of this section, "provider" means:

(a) An individual provider as defined in RCW 74.39A.240;

(b) An employee, licensee, or contractor of any of the following: A home care agency licensed under chapter 70.127 RCW, a nursing home under chapter 18.51 RCW, an assisted living facility under chapter 18.20 RCW, an enhanced services facility under chapter 70.97 RCW, a certified residential services and supports agency licensed or certified under chapter 71A.12 RCW, an adult family home under chapter 70.128 RCW, or any other long-term care facility certified to provide medicaid or medicare services; and

(c) Any contractor of the department who may have unsupervised access to vulnerable adults.

(4) The department shall adopt rules to implement this section.

Sec. 8. RCW 13.50.010 and 2019 c 470 s 22 and 2019 c 82 s 1 are each reenacted and amended to read as follows:

(1) For purposes of this chapter:

(a) "Good faith effort to pay" means a juvenile offender has either (i) paid the principal amount in full; (ii) made at least eighty percent of the value of full monthly payments within the period from disposition or deferred disposition until the time the amount of restitution owed is under review; or (iii) can show good cause why he or she paid an amount less than eighty percent of the value of full monthly payments;

(b) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the oversight board for children, youth, and families, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, the department of children, youth, and families and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(c) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, notices of hearing or appearance, service documents, witness and exhibit lists, findings of the court and court orders, agreements, judgments, decrees, notices of appeal, as well as documents prepared by the clerk, including court minutes, letters, warrants, waivers, affidavits, declarations, invoices, and the index to clerk papers;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(e) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services or the department of children, youth, and families relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures

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consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) The court shall release to the caseload forecast council the records needed for its research and data-gathering functions. Access to caseload forecast data may be permitted by the council for research purposes only if the anonymity of all persons mentioned in the records or information will be preserved.

(10) Juvenile detention facilities shall release records to the caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(11) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the oversight board for children, youth, and families or the office of the family and children's ombuds.

(12) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the administrative office of the courts for research purposes as authorized by the supreme court or by state statute. The administrative office of the courts shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. Data contained in the research copy may be shared with other governmental agencies as authorized by state statute, pursuant to data-sharing and research agreements, and consistent with applicable security and confidentiality requirements. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.270 and 13.50.100(3).

(13) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records.

(14) The court shall release to the Washington state office of civil legal aid records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.53.045. Access to the

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records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of civil legal aid. The Washington state office of civil legal aid shall maintain the confidentiality of all confidential information included in the records, and shall, as soon as possible, destroy any retained notes or records obtained under this section that are not necessary for its functions related to RCW 2.53.045.

(15) For purposes of providing for the educational success of youth in foster care, the department of children, youth, and families may disclose only those confidential child welfare records that pertain to or may assist with meeting the educational needs of current and former foster youth to another state agency or state agency's contracted provider responsible under state law or contract for assisting current and former foster youth to attain educational success. The records retain their confidentiality pursuant to this chapter and federal law and cannot be further disclosed except as allowed under this chapter and federal law.

(16) For the purpose of ensuring the safety and welfare of the youth who are in foster care, the department of children, youth, and families may disclose to the department of commerce and its contracted providers responsible under state law or contract for providing services to youth, only those confidential child welfare records that pertain to ensuring the safety and welfare of the youth who are in foster care who are admitted to crisis residential centers or HOPE centers under contract with the office of homeless youth prevention and protection. Records disclosed under this subsection retain their confidentiality pursuant to this chapter and federal law and may not be further disclosed except as permitted by this chapter and federal law.

(17) Except as provided in subsection (19) of this section, for purposes of investigating and preventing child abuse and neglect, and providing for the health care coordination and the well-being of children in foster care, the department of children, youth, and families may disclose only those confidential child welfare records that pertain to or may assist with investigation and prevention of child abuse and neglect, or may assist with providing for the health and well-being of children in foster care to the department of social and health services, the health care authority, or their contracting agencies. For purposes of investigating and preventing child abuse and neglect, and to provide for the coordination of health care and the well-being of children in foster care, the department of social and health services and the health care authority may disclose only those confidential child welfare records that pertain to or may assist with investigation and prevention of child abuse and neglect, or may assist with providing for the health care coordination and the well-being of children in foster care to the department of children, youth, and families, or its contracting agencies. The records retain their confidentiality pursuant to this chapter and federal law and cannot be further disclosed except as allowed under this chapter and federal law.

(18) For the purpose of investigating child sexual abuse, online sexual exploitation and commercial sexual exploitation of minors, and child fatality, child physical abuse, and criminal neglect cases for the well-being of the child, the department of children, youth, and families may disclose only those confidential child welfare records that pertain to or may assist with such an investigation pursuant to RCW 26.44.180 and 26.44.175. The records retain their confidentiality pursuant to this chapter and federal law and cannot be further disclosed except as allowed under this chapter and federal law.

(19)(a) Upon request, the department and the department of social and health services must share information with each other contained in reports and findings of: (i) Abandonment, abuse, financial exploitation, self-neglect, and neglect of vulnerable adults; and (ii) abuse and neglect of children.

(b) Upon request, the department and the department of social and health services must share information with each other to the extent that such information pertains to or may assist with (i) investigating or preventing child abuse or neglect; (ii) providing for the health and well-being of children in foster care; or (iii) investigating or preventing the abandonment, abuse, financial exploitation, self-neglect, and neglect of a vulnerable adult.

(c) This information sharing is required for purposes of the federal

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health insurance portability and accountability act of 1996. The information contained in reports and findings retains its confidentiality under federal and state law and may not be further disseminated except as authorized by law. This information is not subject to public disclosure under chapter 42.56 RCW.

Sec. 9. RCW 68.50.105 and 2019 c 470 s 14 are each amended to read as follows:

(1) Reports and records of autopsies or postmortems shall be confidential, except that the following persons may examine and obtain copies of any such report or record: The personal representative of the decedent as defined in RCW 11.02.005, any family member, the attending physician or advanced registered nurse practitioner, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, the department of labor and industries in cases in which it has an interest under RCW 68.50.103, ((~~or~~)) the secretary of the department of children, youth, and families or his or her designee in cases being reviewed under RCW 74.13.640, or the secretary of the department of social and health services or his or her designee in cases being reviewed under RCW 74.34.300.

(2)(a) Notwithstanding the restrictions contained in this section regarding the dissemination of records and reports of autopsies or postmortems, nor the exemptions referenced under RCW 42.56.240(1), nothing in this chapter prohibits a coroner, medical examiner, or his or her designee, from publicly discussing his or her findings as to any death subject to the jurisdiction of his or her office where actions of a law enforcement officer or corrections officer have been determined to be a proximate cause of the death, except as provided in (b) of this subsection.

(b) A coroner, medical examiner, or his or her designee may not publicly discuss his or her findings outside of formal court or inquest proceedings if there is a pending or active criminal investigation, or a criminal or civil action, concerning a death that has commenced prior to January 1, 2014.

(3) The coroner, the medical examiner, or the attending physician shall, upon request, meet with the family of the decedent to discuss the findings of the autopsy or postmortem. For the purposes of this section, the term "family" means the surviving spouse, state registered domestic partner, or any child, parent, grandparent, grandchild, brother, or sister of the decedent, or any person who was guardian of the decedent at the time of death.

NEW SECTION. **Sec. 10.** Section 6 of this act takes effect January 1, 2021."

Correct the title.

Representatives Valdez and Irwin spoke in favor of the adoption of the striking amendment.

Amendment (990) was adopted.

The bill was ordered engrossed.

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

Representatives Valdez and Irwin spoke in favor of the passage of the bill.

MOTION

On motion of Representative Jenkin, Representative Griffey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1422.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1422, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representative Griffey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1422, having received the necessary constitutional majority, was declared passed.

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HOUSE BILL NO. 1783, by Representatives Gregerson, Morgan, Ryu, Lovick, Valdez, Ramos, Thai, Reeves, Slatter, Lekanoff, Peterson, Macri, Entenman, Pettigrew, Bergquist, Callan, Stonier, Orwall, Hudgins, Riccelli, Mead, Senn, Santos, Chapman, Walen, Kloba, Doglio, Tarleton, Pollet, Dolan, Davis, Jinkins, Wylie, Shewmake, Pellicciotti, Fey, Stanford, Sells, Morris, Kilduff, Leavitt, Appleton, Tharinger, Ormsby, Frame and Robinson

Creating the Washington state office of equity.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1783 was substituted for House Bill No. 1783 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1783 was read the second time.

Representative Morgan moved the adoption of the striking amendment (964).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 11.** The legislature finds that the population of Washington state has become increasingly diverse over the last several decades. The legislature also finds that as the demographics of our state change, historically and currently marginalized communities still do not have the same opportunities to meet parity as their nonmarginalized counterparts across nearly every measure including education, poverty, employment, health, and more. Inequities based on race, ethnicity, gender, and other characteristics continue to be deep, pervasive, and persistent, and they come at a great economic and social cost. When individuals face barriers to achieving their full potential, the impact is felt by the individual, their communities, businesses, governments, and the economy as a whole in the form of lost wages, avoidable public expenditures, and more.

The legislature finds that a more inclusive Washington is possible if agencies identify and implement effective strategies to eliminate systemic inequities. The legislature recognizes that different forms of discrimination and oppression are related to each other, and these relationships need to be taken into account.

The legislature finds that over the years, significant strides have been made within agencies to address the disparate outcomes faced by historically and currently marginalized communities. While these efforts have yielded positive work, the legislature finds that the work happening in agencies is fragmented across state government. Additionally, smaller agencies may not have the resources necessary to identify and implement policies to address systemic inequities. The legislature finds that state government must identify and coordinate effective strategies that focus on eliminating systemic barriers for historically and currently marginalized groups. To support this objective, an office of equity will provide a unified vision around equity for all state agencies. The office will assist government agencies to apply an equity lens in all aspects of their decision making, including but not limited to services, programming, policy development, budgeting, and staffing. Doing so will foster a culture of accountability within state government that promotes opportunity for marginalized communities and will help normalize language and concepts around equity, race, social justice, diversity, and inclusion.

NEW SECTION. **Sec. 12.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means every state executive office, agency, department, or commission.

(2) "Director" means the director of the Washington state office of equity.

(3) "Equity lens" means providing consideration to the characteristics listed in RCW 49.60.030, as well as immigration status and language access, to evaluate the equitable impacts of an agency's policy or program.

(4) "Office" means the Washington state office of equity.

NEW SECTION. **Sec. 13.** (1) The Washington state office of equity is established within the office of the governor for the purpose of promoting access to equitable opportunities and resources that reduce disparities, and improve outcomes statewide across state government.

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(2) The office envisions everyone in Washington having full access to the opportunities and resources they need to flourish and achieve their full potential.

(3) The work of the office must be guided by principles of equity:

(a) Equity requires developing, strengthening, and supporting policies and procedures that distribute and prioritize resources to those who have been historically and currently marginalized, including tribes;

(b) Equity requires the elimination of systemic barriers that have been deeply entrenched in systems of inequality and oppression; and

(c) Equity achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people.

NEW SECTION. **Sec. 14.** (1) The office is administered by a director, who is appointed by, and reports to, the governor. The director must receive a salary as fixed by the governor in accordance with RCW 43.03.040.

(2) The director shall:

(a) Employ and supervise staff as necessary to carry out the purpose of this chapter and the duties of the office; and

(b) Oversee the administration, programs, and policies of the office in accordance with the principles in section 3 of this act.

NEW SECTION. **Sec. 15.** (1) The office shall work to facilitate policy and systems change to promote equitable policies, practices, and outcomes through:

(a) **Agency decision making.** The office shall assist agencies in applying an equity lens in all aspects of agency decision making, including service delivery, program development, policy development, and budgeting. The office shall provide assistance by:

(i) Facilitating information sharing between agencies around diversity, equity, and inclusion issues;

(ii) Convening work groups as needed;

(iii) Developing and providing assessment tools for agencies to use in the development and evaluation of agency programs, services, policies, and budgets;

(iv) Training agency staff on how to effectively use the assessment tools developed under (a)(ii) of this subsection, including developing guidance for agencies on how to apply an equity lens to the agency's work when carrying out the agency's duties under this chapter;

(v) Developing, by rule, a form that will serve as each agency's diversity, equity, and inclusion plan, required to be submitted by all agencies under section 7 of this act, for each agency to report on its work in the area of diversity, equity, and inclusion. The office must develop the format and content of the plan and determine the frequency of reporting. The office must post each agency plan on the dashboard referenced in (d) of this subsection;

(vi) Maintaining an inventory of agency work in the area of diversity, equity, and inclusion;

(vii) Compiling and creating resources for agencies to use as guidance when carrying out the requirements under section 7 of this act; and

(viii) Collaborating with the governor's office of Indian affairs.

(b) **Community outreach and engagement.** The office shall:

(i) Staff the community advisory board created under section 6 of this act; and

(ii) Collaborate with the following: Commission on African American affairs, commission on Asian Pacific American affairs, commission on Hispanic affairs, governor's office of Indian affairs, human rights commission, LGBTQ commission, women's commission, and any other agency the office deems necessary, in order to identify policy and system barriers, including language access, to meaningful engagement with communities in all aspects of agency decision making.

(c) **Training on maintaining a diverse, inclusive, and culturally sensitive workforce.** The office shall collaborate with the office of financial management and the department of enterprise services to develop policies and provide technical assistance and training to agencies on maintaining a diverse, inclusive, and culturally

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sensitive workforce that delivers culturally sensitive services.

(d) **Data maintenance and establishing performance metrics.** The office shall:

(i) Collaborate with results Washington and agencies to:

(A) Establish standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity, including subracial and subethnic populations as it pertains to tracking population level outcomes, except as provided under (d)(ii) of this subsection;

(B) Create statewide and agency-specific process and outcome measures to show performance:

(I) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing disparities; and

(II) Taking into consideration community feedback, as necessary, on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served; and

(C) Create an online performance dashboard to publish state and agency performance measures and outcomes; and

(ii) Collaborate with the office of financial management to identify additional subcategories in workforce data for disaggregation in order to track disparities in public employment.

(e) **Accountability.** The office shall:

(i) Publish a report for each agency detailing whether the agency has met the performance measures established pursuant to (d)(i) of this subsection and the effectiveness of agency programs and services on reducing disparities. The report must include: The agency's strengths and accomplishments, areas for continued improvement, and areas for corrective action. The office must post each report on the dashboard referenced in subsection (d) of this section;

(ii) Establish, by rule, a process for the office to report on agency performance in accordance with (e)(i) of this subsection and a process for agencies to respond to the report. The agency's response must include the agency's progress on performance, the agency's action plan to address areas for improvement and corrective action, and a timeline for the action plan; and

(iii) Adopt rules to develop accountability and enforcement mechanisms, which may include conducting audits in collaboration with the office of the state auditor, related to agency compliance with office performance measures.

(2) By July 1, 2022, and every two years thereafter, the office shall report to the legislature and governor. The report must include a summary of the office's work, including strengths and accomplishments, an overview of agency compliance with office standards and performance measures, and an equity analysis of the makeup of the community advisory board established in section 6 of this act to ensure that it accurately reflects historically and currently marginalized groups.

(3) The director and the office shall consider the recommendations submitted pursuant to section 221, chapter 415, Laws of 2019, by the task force established under section 221, chapter 415, Laws of 2019, when carrying out the duties prescribed under this chapter.

NEW SECTION. **Sec. 16.** (1) A community advisory board is created within the office to advise the office on its priorities and timelines.

(2) The director must appoint members to the community advisory board to support diverse representation by geography and identity.

(3) The community advisory board shall, among other duties determined by the director, provide guidance to the office on standards and performance measures.

(4) The community advisory board is staffed by the office.

(5) Board members shall be entitled to compensation of fifty dollars per day for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(6) The community advisory board may adopt bylaws for the operation of its business for the purposes of this chapter.

NEW SECTION. **Sec. 17.** Each agency shall:

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(1) Designate an agency diversity, equity, and inclusion liaison within existing resources to serve as the liaison between the agency and the office;

(2) Apply an equity lens, as developed by the office in accordance with section 5 of this act, to assess existing and proposed agency policies, services and service delivery, practices, programs, and budget decisions using the assessment tools developed by the office pursuant to section 5 of this act;

(3) Develop and submit a diversity, equity, and inclusion plan to the office, in accordance with section 5 of this act;

(4) Develop and maintain written language access policies and plans;

(5) Collaborate with the office to establish performance measures in accordance with section 5 of this act;

(6) Provide data and information requested by the office in accordance with standards established pursuant to section 5 of this act; and

(7) Submit a response to the office's report on agency performance, pursuant to section 5(1)(e) of this act.

NEW SECTION. **Sec. 18.** The office may:

(1) Provide technical assistance to agencies;

(2) Conduct research projects and policy analyses, as needed;

(3) Develop policy positions and legislative initiatives;

(4) Fulfill external data requests, as resources allow;

(5) Receive and solicit gifts, grants, and endowments from public or private sources that are made for the use or benefit of the office and to expend the same or any income therefrom according to their terms and the purpose of this chapter. The director must report funds received from private sources to the office of financial management on a regular basis. Such funds received from private sources may not be applied to reduce or substitute the office's budget as appropriated by the legislature, but must be applied and expended toward projects and functions authorized by this chapter that were not funded by the legislature; and

(6) Adopt rules as necessary to implement the policy and purpose of this chapter.

NEW SECTION. **Sec. 19.** Nothing in this act creates any right or cause of action, nor may it be relied upon to compel the establishment of any program or special entitlement.

NEW SECTION. **Sec. 20.** Sections 2 through 9 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 21.** Section 3 of this act takes effect July 1, 2020."

Correct the title.

Representative Walsh moved the adoption of amendment (1006) to the striking amendment (964):

On page 2, line 3 of the striking amendment, after "development," strike "budgeting, and staffing" and insert "and budgeting"

On page 3, line 16 of the striking amendment, after "budgeting" insert ", but not including hiring, staffing, or workforce management"

On page 4, beginning on line 13 of the striking amendment, strike all of subsection (c)

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

On page 4, beginning on line 25 of the striking amendment, after "outcomes" strike ", except as provided under (d)(ii) of this subsection"

On page 4, beginning on line 38 of the striking amendment, strike all of subsection (ii)

On page 5, after line 31 of the striking amendment, insert the following:

"(4) In carrying out its duties under this section, the office is prohibited from developing policies or mechanisms that result in hiring preferences, whether explicit or implied, on the basis of race, sex, color, ethnicity, or national origin, as provided by RCW 49.60.400."

On page 6, after line 27 of the striking amendment, insert the following:

"(8) In carrying out their duties under this section, agencies are prohibited from developing policies or mechanisms that result in hiring preferences, whether explicit or implied, on the basis of race, sex, color,

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ethnicity, or national origin, as provided by RCW 49.60.400."

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

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

Amendment (1006) to the striking amendment (964) was not adopted.

Representative Graham moved the adoption of amendment (1008) to the striking amendment (964):

On page 3, line 2 of the striking amendment, after "is" strike "appointed by, and reports to," and insert "jointly selected by the speaker and minority leader of the house of representatives, and the majority leader and minority leader of the senate. The director reports to"

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

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

Amendment (1008) to the striking amendment (964) was not adopted.

Representative Dufault moved the adoption of amendment (1009) to the striking amendment (964):

On page 3, line 7 of the striking amendment, after "office" insert ", except that the office's total number of full-time employee positions may not exceed six"

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

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

Amendment (1009) to the striking amendment (964) was not adopted.

Representative Young moved the adoption of amendment (1007) to the striking amendment (964):

On page 4, beginning on line 20 of the striking amendment, after "shall" strike ":

(i) Collaborate" and insert "collaborate"

On page 4, at the beginning of line 22 of the striking amendment, strike "(A)" and insert "(i)"

On page 4, line 23 of the striking amendment, after "reporting of" strike "disaggregated"

On page 4, beginning on line 25 of the striking amendment, after "outcomes" strike ", except as provided under (d)(ii) of this subsection"

On page 4, at the beginning of line 27 of the striking amendment, strike "(B)" and insert "(ii)"

On page 4, at the beginning of line 29 of the striking amendment, strike "(I)" and insert "(A)"

On page 4, at the beginning of line 32 of the striking amendment, strike "(II)" and insert "(B)"

On page 4, at the beginning of line 36 of the striking amendment, strike "(C)" and insert "(iii)"

On page 4, beginning on line 38 of the striking amendment, strike all of subsection (ii)

Representative Young and Young (again) spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (1007) to the striking amendment (964) was not adopted.

Representative Smith moved the adoption of amendment (1010) to the striking amendment (964):

On page 4, line 37 of the striking amendment, after "outcomes;" strike "and"

On page 4, line 40 of the striking amendment, after "employment" insert the following:

"; and

(iii) Coordinate with the office of privacy and data protection to address cybersecurity and data protection for all data collected by the office. When collecting data pursuant to this subsection, the office may not request any personally identifiable information from respondents other than race and ethnicity information identified in (i)(A) of this subsection, in order to protect the data of vulnerable populations"

Representatives Smith and Gregerson spoke in favor of the adoption of the amendment to the striking amendment.

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Amendment (1010) to the striking amendment (964) was adopted.

Representative Dufault moved the adoption of amendment (1002) to the striking amendment (964):

On page 4, line 37 of the striking amendment, after "outcomes;" strike "and"

On page 4, line 40 of the striking amendment, after "employment" insert the following:

"; and

(iii) Coordinate with the office of privacy and data protection to address cybersecurity and data protection for all data collected by the office. When collecting data pursuant to this subsection, the office may not request any personally identifiable information from respondents other than race and ethnicity information identified in (i)(A) of this subsection, in order to protect the data of vulnerable populations"

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

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

Amendment (1002) to the striking amendment (964) was not adopted.

Representative Goehner moved the adoption of amendment (1003) to the striking amendment (964):

On page 7, after line 13 of the striking amendment, insert the following:

"NEW SECTION: **Sec. 12.** The office and community advisory board created by this act terminate June 30, 2030.

NEW SECTION: **Sec. 13.** This act expires June 30, 2031."

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

Representatives Gregerson and Tarleton spoke against the adoption of the amendment to the striking amendment.

Amendment (1003) to the striking amendment (964) was not adopted.

The striking amendment (964), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Gregerson, Morgan and Kilduff spoke in favor of the passage of the bill.

Representatives Dufault, Smith, Klippert and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1783.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1783, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Griffey.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783, having received the necessary constitutional majority, was declared passed.

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

MOTIONS

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2573, and the bill was referred to the Committee on Human Services & Early Learning.

There being no objection, the Committee on College & Workforce Development was relieved of HOUSE BILL NO. 2256, and the bill was referred to the Committee on Finance.

There being no objection, the House adjourned until 9:55 a.m., January 21, 2020, the 9th Day of the Regular Session.

LAURIE JINKINS, Speaker

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BERNARD DEAN, Chief Clerk

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