

## SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

## EIGHTY EIGHTH DAY

House Chamber, Olympia, Thursday, April 8, 2021

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 Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Tana Senn, 41st Legislative District.

**RESOLUTION**

HOUSE RESOLUTION NO. 2021-4627, by Representatives Senn, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

WHEREAS, On Yom HaShoah, or Holocaust Remembrance Day, we remember the six million Jews who perished alongside millions of other innocent victims: Persons with disabilities, LGBTQ+ individuals, Roma, and others, systematically murdered by the Nazis and their collaborators in one of the most heinous campaigns in human history; and

WHEREAS, We stand in solidarity with the Jewish people and remember the victims, survivors, and liberators, many within our own Washington communities, who, having borne witness to the depths of evil, remind us of the vital refrain: "Never Again;" and

WHEREAS, We must ensure the horrors of the Holocaust can never be erased from our collective memory in order to prevent a tragedy like the Holocaust from happening again; and

WHEREAS, We reiterate the importance of teaching about the Holocaust and gratefully acknowledge the valuable resource in the Holocaust Center for Humanity and its trove of local survivor speakers and stories; and

WHEREAS, Each new generation should never forget the urgency to speak out whenever they witness anti-Semitism or any form of ethnic and religious hatred, racism, homophobia, or xenophobia; what is possible when governments back policies fueled by hatred and we

dehumanize groups of people; and when ordinary people decide that it is easier to look away or go along than to speak out, for silence in the face of such bigotry is complicity; and

WHEREAS, Pursuant to an Act of Congress, the United States Holocaust Memorial Council designated the Days of Remembrance of the victims of the Holocaust to be Sunday, April 8 through Sunday, April 15, including the Day of Remembrance, known as Yom HaShoah;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize April 8, 2021, Holocaust Remembrance Day.

There being no objection, HOUSE RESOLUTION NO. 4627 was adopted.

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

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

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

**MESSAGE FROM THE SENATE**

April 7, 2021

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1061,  
 SUBSTITUTE HOUSE BILL NO. 1166,  
 HOUSE BILL NO. 1167,  
 SUBSTITUTE HOUSE BILL NO. 1170,  
 SUBSTITUTE HOUSE BILL NO. 1225,  
 SUBSTITUTE HOUSE BILL NO. 1301,  
 SUBSTITUTE HOUSE BILL NO. 1302,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1382,  
 SUBSTITUTE HOUSE BILL NO. 1455,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

**INTRODUCTION & FIRST READING**

2SSB 5192 by Senate Committee on Ways & Means  
(originally sponsored by Das, Lovelett, Carlyle,  
Kuderer, Nguyen and C. Wilson)

AN ACT Relating to supporting access to electric vehicle supply equipment; amending RCW 19.94.010, 19.94.175, 19.94.190, 19.94.517, and 46.08.185; adding new sections to chapter 19.94 RCW; prescribing penalties; and providing a contingent effective date.

Referred to Committee on Appropriations.

SSB 5262 by Senate Committee on Ways & Means  
(originally sponsored by Lias, Warnick and Saldaña)

AN ACT Relating to broadening the eligibility requirements and extending the expiration date for the data center tax incentive; amending RCW 82.08.986 and 82.12.986; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

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

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

## SECOND READING

**SENATE BILL NO. 5132, by Senators Pedersen, Padden and Mullet**

### Concerning trusts and estates.

The bill was read the second time.

Representative Gilday moved the adoption of amendment (662):

On page 5, line 30, after "turpitude;" insert "and"

On page 5, beginning on line 31, strike all of subsection (b)

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

On page 5, after line 34, insert the following:

"(3) An individual who is an heir, beneficiary, or otherwise has an interest in testator's estate may serve as a qualified custodian, unless the gift conferred to the individual exceeds the share of the estate that would be distributed to the individual if the will were not established."

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (662) was not adopted.

Representative Abbarno moved the adoption of amendment (660):

On page 6, after line 11, insert the following:

"(2) Actual knowledge of a later will relieves a qualified custodian of compliance with subsection (1) of this section."

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

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (660) was not adopted.

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

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

Representatives Sutherland, McCaslin and Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5132.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5132, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

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

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

Voting nay: Representatives Chandler, Chase, Dye, Jacobsen, Klippert, Kraft, McCaslin, McEntire, Mosbrucker, Schmick, Sutherland and Walsh.

SENATE BILL NO. 5132, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5118, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Hasegawa, Liias, Mullet, Nguyen, Saldaña and C. Wilson)**

**Supporting successful reentry.**

The bill was read the second time.

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

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

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

Representatives Dent and Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5118, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5118, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

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

Voting nay: Representatives Boehnke, Chandler, Chase, Dent, Dufault, Dye, Eslick, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson,

Schmick, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5118, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5158, by Senators Hawkins, Rolfes, Saldaña, Van De Wege and Wagoner**

**Concerning the utility wildland fire prevention advisory committee.**

The bill was read the second time.

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

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

Representatives Shewmake and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5158, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5158, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SENATE BILL NO. 5158, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5370, by Senate Committee on Behavioral Health**

**Subcommittee to Health & Long Term Care (originally sponsored by Keiser, Dhingra, Saldaña and C. Wilson)**

**Updating mental health advance directive laws.**

The bill was read the second time.

With the consent of the House, amendment (536) was withdrawn.

Representative Rule moved the adoption of amendment (647):

On page 12, line 4, after "(9)" insert "An agent's authority terminates when an action is filed for the dissolution or annulment of the agent's marriage to the principal or for their legal separation, or an action is filed for dissolution or annulment of the agent's state registered domestic partnership with the principal or for their legal separation.

(10) "

On page 34, beginning on line 3, after "C." strike all material through "D." on line 6

On page 34, at the beginning of line 8, strike "E." and insert "D."

On page 34, at the beginning of line 11, strike "F." and insert "E."

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

Amendment (647) was adopted.

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

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

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5370, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5370, as amended by the House, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis,

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

Voting nay: Representatives Boehnke, Chase, Dent, Dufault, Dye, Graham, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Schmick, Vick, Walsh and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5370, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, by Senate Committee on Law & Justice (originally sponsored by Frockt, Pedersen, Das, Hasegawa, Hunt, Kuderer, Liias, Saldaña, Wellman and C. Wilson)**

**Concerning defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony.**

The bill was read the second time.

Representative Abbarno moved the adoption of amendment (564):

On page 1, line 14, after "(2)" strike "In" and insert "Except as provided in subsection (3) of this section, in"

On page 1, after line 20, insert the following:

"(3) In an action arising out of law enforcement activities resulting in personal injury or death, if the person injured or killed was armed with a dangerous weapon, it is a complete defense to the action that the person injured or killed was engaged in the commission of a felony at the time of the occurrence causing the injury or death and the felony was a proximate cause of the injury or death.

(4) For purposes of this section, "dangerous weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slungshot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury."

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

Representative Graham moved the adoption of amendment (618) to amendment (564):

On page 1, beginning on line 6 of the amendment, after "death," strike "if the person injured or killed was armed with a dangerous weapon,"

On page 1, beginning on line 10 of the amendment, after "death" insert ", if the person injured or killed was:

- (a) Armed with a dangerous weapon;
- (b) Engaged in the commission or attempted commission of murder as defined in RCW 9A.32.030 or 9A.32.050;
- (c) Engaged in the commission or attempted commission of rape as defined in RCW 9A.44.040, 9A.44.050, 9A.44.060, or rape of a child as defined in RCW 9A.44.073, 9A.44.076, or 9A.44.079; or
- (d) Engaged in the commission or attempted commission of assault in the first degree as defined in RCW 9A.36.011, or assault of a child in the first degree as defined in RCW 9A.36.120"

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

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

Amendment (618) to amendment (564) was not adopted.

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (564) was not adopted.

Representative Klippert moved the adoption of amendment (466):

On page 1, beginning on line 16, after "determined" strike "beyond a reasonable doubt" and insert "by a preponderance of the evidence"

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

Representative Hackney spoke against the adoption of the amendment.

Amendment (466) was not adopted.

Representative Walsh moved the adoption of amendment (560):

On page 2, after line 2, insert the following:

"(4) In an action arising out of law enforcement activities resulting in personal injury or death, if the plaintiff obtains a judgment in their favor that awards any sum of money to the plaintiff, 50 percent of the award must be paid into the Washington crime victims' compensation fund established pursuant to chapter 7.68 RCW."

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

Representative Simmons spoke against the adoption of the amendment.

Amendment (560) was not adopted.

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

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

Representatives Walsh and Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5263.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5263, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele,

Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5408, by Senate Committee on Law & Justice (originally sponsored by Stanford, Das, Dhingra, Hasegawa, Kuderer, Lovelett, Nguyen, Randall, Robinson, Rolfes, Saldaña and Wellman)**

**Concerning the homestead exemption.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was not adopted. (For Committee amendment, see Journal, Day 81, April 1, 2021).

There being no objection, the committee striking amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 81, April 1, 2021).

Representative Gilday moved the adoption of amendment (649) to the committee striking amendment:

On page 2, line 19 of the striking amendment, after "The" strike "county"

On page 2, at the beginning of line 20 of the striking amendment, insert "most populous county in the state in the"

On page 2, on line 27 of the striking amendment, after "the" strike "county"

On page 2, on line 28 of the striking amendment, after "home" insert "in the most populous county in the state"

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

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

Amendment (649) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5408, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5408, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Representatives Chase, Dufault and McCaslin.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5408, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5124, by Senators Cleveland and Rivers**

**Concerning the practice of colon hydrotherapy.**

The bill was read the second time.

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

Representatives Macri and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5124.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5124, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5124, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, by Senate Committee on Law & Justice (originally sponsored by Padden, Pedersen, Brown, Gildon, Holy, Mullet, Short and Van De Wege)**

**Reducing barriers to condominium construction.**

The bill was read the second time.

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

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

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

**MOTION**

Representative Taylor was excused from the bar.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5024, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5024, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

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

Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Taylor.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Dhingra, Hasegawa, Mullet, Nguyen and C. Wilson)**

**Expanding eligibility for the graduated reentry program.**

The bill was read the second time.

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

Representative Mosbrucker moved the adoption of amendment (674) to the committee striking amendment:

On page 1, line 13 of the striking amendment, after "least" strike "six" and insert "12"

On page 1, line 16 of the striking amendment, after "final" strike "five" and insert "six"

On page 1, line 25 of the striking amendment, after "least" strike "four" and insert "12"

On page 1, line 28 of the striking amendment, after "final" strike "18" and insert "12"

On page 2, line 16 of the striking amendment, after "community." insert "When determining whether an offender's placement in the graduated reentry program is appropriate, the department shall:

(a) Ensure that the offender has served at least twelve months in total confinement in a state correctional institution;

(b) Conduct an individualized risk assessment of the offender; and

(c) Make an individualized determination that the identified programming and treatment needs of the

offender are available to the offender in the community to which the offender would be released."

On page 4, line 23 of the striking amendment, after "final" strike "five" and insert "six"

On page 4, line 28 of the striking amendment, after "least" strike "four" and insert "12"

On page 4, at the beginning of line 30 of the striking amendment, strike "18" and insert "12"

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

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

Amendment (674) to the committee striking amendment was not adopted.

Representative Klippert moved the adoption of amendment (554) to the committee striking amendment:

On page 1, line 14 of the striking amendment, after "facility" insert ", has stable housing, has paid employment or acceptance to a career advancing education program outside the facility, and, if serving a term of confinement for a drug offense, is participating in a drug treatment program"

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

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

Amendment (554) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

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

Representatives Goodman and Sutherland spoke in favor of the passage of the bill.

Representatives Mosbrucker and Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of

Engrossed Substitute Senate Bill No. 5121, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5121, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5254, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Salomon, Darneille, Frockt, Hasegawa, Keiser, Saldaña, Stanford and C. Wilson)**

**Concerning the use of protective devices and equipment during a public health emergency.**

The bill was read the second time.

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

Representatives Sells and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5254.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5254, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick,



Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

SUBSTITUTE SENATE BILL NO. 5254, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5190, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Holy, Frockt, Conway, Hasegawa, Honeyford, Keiser, King, Lovelett, Randall, Salomon, Van De Wege, Warnick, C. Wilson and J. Wilson)**

**Providing health care workers with presumptive benefits during a public health emergency.**

The bill was read the second time.

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

With the consent of the House, amendment (548) was withdrawn.

Representative Hoff moved the adoption of amendment (669) to the committee striking amendment:

On page 15, at the beginning of line 10 of the striking amendment, strike "clear and convincing" and insert "a preponderance of the"

Representative Hoff withdrew amendment (669).

Representative Berry moved the adoption of amendment (661) to the committee striking amendment:

On page 15, beginning on line 37 of the striking amendment, strike all of subsection (5)

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

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

Amendment (661) to the committee striking amendment was adopted.

Representative Hoff moved the adoption of amendment (668) to the committee striking amendment:

On page 17, beginning on line 9 of the striking amendment, strike all of section 7

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

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

Amendment (668) to the committee striking amendment was adopted.

Representative Abbarno moved the adoption of amendment (666) to the committee striking amendment:

On page 18, beginning on line 16 of the striking amendment, strike all of section 8

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

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

Amendment (666) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives Berry and Volz spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5190, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5190, as amended by the House, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

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

Voting nay: Representatives Boehnke, Chase, Dent, Dufault, Dye, Eslick, Hoff, Klippert, Kraft, McCaslin, Schmick, Stokesbary, Sutherland and Vick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5190, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5377, by Senate Committee on Ways & Means (originally sponsored by Frockt, Keiser, Conway, Das, Dhingra, Hunt, Kuderer, Liias, Lovelett, C. Wilson, Nguyen, Pedersen, Saldaña and Salomon)**

**Increasing affordability of standardized plans on the individual market.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was not adopted. (For Committee amendment, see Journal, Day 82, April 2, 2021).

Representative Cody moved the adoption of striking amendment (664):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.71 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a premium assistance and cost-sharing reduction program is hereby established to be administered by the exchange.

(2) Premium assistance and cost-sharing reduction amounts must be established by the exchange within

parameters established in the omnibus appropriations act.

(3) The exchange must establish, consistent with the omnibus appropriations act:

(a) Procedural requirements for eligibility and continued participation in any premium assistance program or cost-sharing program established under this section, including participant documentation requirements that are necessary to administer the program; and

(b) Procedural requirements for facilitating payments to carriers.

(4) Subject to the availability of amounts appropriated for this specific purpose, an individual is eligible for premium assistance and cost-sharing reductions under this section if the individual:

(a) (i) Is a resident of the state;

(ii) Has income that is up to an income threshold determined through appropriation or by the exchange if no income threshold is determined through appropriation;

(iii) Is enrolled in a silver or gold standard plan offered in the enrollee's county of residence;

(iv) Applies for and accepts all federal advance premium tax credits for which they may be eligible before receiving any state premium assistance;

(v) Applies for and accepts all federal cost-sharing reductions for which they may be eligible before receiving any state cost-sharing reductions;

(vi) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; and

(vii) Meets any other eligibility criteria established by the exchange; or

(b) Meets alternate eligibility criteria as established in the omnibus appropriations act.

(5) (a) The exchange may disqualify an individual from receiving premium assistance or cost-sharing reductions under this section if the individual:

(i) No longer meets the eligibility criteria in subsection (4) of this section;

(ii) Fails, without good cause, to comply with any procedural or documentation requirements established by the exchange in accordance with subsection (3) of this section;

(iii) Fails, without good cause, to notify the exchange of a change of address in a timely manner;

(iv) Voluntarily withdraws from the program; or

(v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an issuer rescinds the individual's policy for the qualified health plan.

(b) The exchange must develop a process for an individual to appeal a premium assistance or cost-sharing assistance eligibility determination from the exchange.

(6) Prior to establishing or altering premium assistance or cost-sharing reduction amounts, eligibility criteria, or procedural requirements under this section, the exchange must:

(a) Publish notice of the proposal on the exchange's website and provide electronic notice of the proposal to any person who has requested such notice. The notice must include an explanation of the proposal, the date, time, and location of the public hearing required in (b) of this subsection, and instructions and reasonable timelines to submit written comments on the proposal;

(b) Conduct at least one public hearing no sooner than 20 days after publishing the notice required in (a) of this subsection; and

(c) Publish notice of the finalized premium assistance or cost-sharing reduction amounts, eligibility criteria, or procedural requirements on the exchange's website and provide the notice electronically to any person who has requested it. The notice must include a detailed description of the finalized premium assistance or cost-sharing reduction amounts, eligibility criteria, or procedural requirements and a description and explanation of how they vary from the initial proposal.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Advance premium tax credit" means the premium assistance amount determined in accordance with the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(b) "Income" means the modified adjusted gross income attributed to an individual for purposes of determining his or her eligibility for advance premium tax credits.

(c) "Standard plan" means a standardized health plan under RCW 43.71.095.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.71 RCW to read as follows:

(1) The exchange, in close consultation with the authority and the office of the insurance commissioner, must explore all opportunities to apply to the secretary of health and human services under 42 U.S.C. Sec. 18052 for a waiver or other available federal flexibilities to:

(a) Receive federal funds for the implementation of the premium assistance or cost-sharing reduction programs established under section 1 of this act;

(b) Increase access to qualified health plans; and

(c) Implement or expand other exchange programs that increase affordability of or access to health insurance coverage in Washington state.

(2) If, through the process described in subsection (1) of this section an opportunity to submit a waiver is identified, the exchange, in collaboration with the office of the insurance commissioner and the health care authority, may develop an application under this section to be submitted by the health care authority. If an application is submitted, the health care authority must notify the chairs and ranking minority members of the appropriate policy and fiscal committees of the legislature.

(3) Any application submitted under this section must meet all federal public

notice and comment requirements under 42 U.S.C. Sec. 18052(a)(4)(B), including public hearings to ensure a meaningful level of public input.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.71 RCW to read as follows:

(1) The state health care affordability account is created in the state treasury. Expenditures from the account may only be used for premium and cost-sharing assistance programs established in section 1 of this act.

(2) The following funds must be deposited in the account:

(a) Any grants, donations, or contributions of money collected for purposes of the premium assistance or cost-sharing reduction programs established in section 4 of this act;

(b) Any federal funds received by the health benefit exchange pursuant to section 2 of this act; and

(c) Any additional funding specifically appropriated to the account.

NEW SECTION. **Sec. 4.** A new section is added to chapter 48.43 RCW to read as follows:

For qualified health plans offered on the exchange, a carrier shall:

(1) Accept payments for enrollee premiums or cost-sharing assistance under section 1 of this act or as part of a sponsorship program under RCW 43.71.030(4). Nothing in this subsection expands or restricts the types of sponsorship programs authorized under state and federal law;

(2) Clearly communicate premium assistance amounts to enrollees as part of the invoicing and payment process; and

(3) Accept and process enrollment and payment data transferred by the exchange in a timely manner.

NEW SECTION. **Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

(1) If a public option plan is not available in each county in the state during plan year 2022 or later, the following requirements apply for all subsequent plan years:

(a) At the request of a public option plan, a hospital licensed under chapter

70.41 RCW that receives payment for services provided to enrollees in the public employees' benefits program or school employees' benefits program, or through a medical assistance program under chapter 74.09 RCW, must contract with the public option plan to provide in-network services to enrollees of that plan; and

(b) The authority shall contract, under RCW 41.05.410, with one or more health carriers to offer at least one standardized bronze, one standardized silver, and one standardized gold qualified health plan in every county in the state or in each county within a region of the state.

(2) Health carriers and hospitals may not condition negotiations or participation of a hospital licensed under chapter 70.41 RCW in any health plan offered by the health carrier on the hospital's negotiations or participation in a public option plan.

(3) By December 1st of the plan year during which enrollment in public option plans statewide is greater than 10,000 covered lives:

(a) The health benefit exchange, in consultation with the insurance commissioner and the authority, shall analyze public option plan rates paid to hospitals for in-network services and whether they have impacted hospital financial sustainability. The analysis must include any impact on hospitals' operating margins during the years public option health plans have been offered in the state and the estimated impact on operating margins in future years if enrollment in public option plans increases. It must also examine the income levels of public option plan enrollees over time. The analysis may examine a sample of hospitals of various sizes and located in various counties. In conducting its analysis, the exchange must give substantial weight to any available reporting of health care provider and health system costs under RCW 70.390.050;

(b) The health care cost transparency board established under chapter 70.390 RCW shall analyze the effect that enrollment in public option plans has had on consumers, including an analysis of the benefits provided to, and premiums and cost-sharing amounts paid by, consumers enrolled in public option plans compared to other standardized and

nonstandardized qualified health plans; and

(c) The health benefit exchange, in consultation with the insurance commissioner, the authority, and interested stakeholders, including, but not limited to, statewide associations representing hospitals, health insurers, and physicians, shall review the analyses completed under (a) and (b) of this subsection and develop recommendations to the legislature to address financial or other issues identified in the analyses.

(4) The authority may adopt program rules, in consultation with the office of the insurance commissioner, to ensure compliance with this section, including levying fines and taking other contract actions it deems necessary to enforce compliance with this section.

(5) For the purposes of this section, "public option plan" means a qualified health plan contracted by the authority under RCW 41.05.410.

**Sec. 6.** RCW 41.05.410 and 2019 c 364 s 3 are each amended to read as follows:

(1) The authority, in consultation with the health benefit exchange, must contract with one or more health carriers to offer qualified health plans on the Washington health benefit exchange for plan years beginning in 2021. A health carrier contracting with the authority under this section must offer at least one bronze, one silver, and one gold qualified health plan in a single county or in multiple counties. The goal of the procurement conducted under this section is to have a choice of qualified health plans under this section offered in every county in the state. The authority may not execute a contract with an apparently successful bidder under this section until after the insurance commissioner has given final approval of the health carrier's rates and forms pertaining to the health plan to be offered under this section and certification of the health plan under RCW 43.71.065.

(2) A qualified health plan offered under this section must meet the following criteria:

(a) The qualified health plan must be a standardized health plan established under RCW 43.71.095;

(b) The qualified health plan must meet all requirements for qualified

health plan certification under RCW 43.71.065 including, but not limited to, requirements relating to rate review and network adequacy;

(c) The qualified health plan must incorporate recommendations of the Robert Bree collaborative and the health technology assessment program;

(d) The qualified health plan may use an integrated delivery system or a managed care model that includes care coordination or care management to enrollees as appropriate;

(e) The qualified health plan must meet additional participation requirements to reduce barriers to maintaining and improving health and align to state agency value-based purchasing. These requirements may include, but are not limited to, standards for population health management; high-value, proven care; health equity; primary care; care coordination and chronic disease management; wellness and prevention; prevention of wasteful and harmful care; and patient engagement;

(f) To reduce administrative burden and increase transparency, the qualified health plan's utilization review processes must:

(i) Be focused on care that has high variation, high cost, or low evidence of clinical effectiveness; and

(ii) Meet national accreditation standards;

(g) ~~((+))~~ The total amount the qualified health plan reimburses providers and facilities for all covered benefits in the statewide aggregate, excluding pharmacy benefits, may not exceed one hundred sixty percent of the total amount medicare would have reimbursed providers and facilities for the same or similar services in the statewide aggregate;

~~((ii) Beginning in calendar year 2023, if the authority determines that selective contracting will result in actuarially sound premium rates that are no greater than the qualified health plan's previous plan year rates adjusted for inflation using the consumer price index, the director may, in consultation with the health benefit exchange, waive (g) (i) of this subsection as a requirement of the contracting process under this section;)~~

(h) For services provided by rural hospitals certified by the centers for medicare and medicaid services as critical access hospitals or sole community hospitals, the rates may not be less than one hundred one percent of allowable costs as defined by the United States centers for medicare and medicaid services for purposes of medicare cost reporting;

(i) Reimbursement for primary care services, as defined by the authority, provided by a physician with a primary specialty designation of family medicine, general internal medicine, or pediatric medicine, may not be less than one hundred thirty-five percent of the amount that would have been reimbursed under the medicare program for the same or similar services; and

(j) The qualified health plan must comply with any requirements established by the authority to address amounts expended on pharmacy benefits including, but not limited to, increasing generic utilization and use of evidence-based formularies.

(3) (a) At the request of the authority for monitoring, enforcement, or program and quality improvement activities, a qualified health plan offered under this section must provide cost and quality of care information and data to the authority, and may not enter into an agreement with a provider or third party that would restrict the qualified health plan from providing this information or data.

(b) Pursuant to RCW 42.56.650, any cost or quality information or data submitted to the authority is exempt from public disclosure.

(4) Nothing in this section prohibits a health carrier offering qualified health plans under this section from offering other health plans in the individual market.

**Sec. 7.** RCW 43.71.095 and 2019 c 364 s 1 are each amended to read as follows:

(1) The exchange, in consultation with the commissioner, the authority, an independent actuary, and other stakeholders, must establish up to three standardized health plans for each of the bronze, silver, and gold levels.

(a) The standardized health plans must be designed to reduce deductibles, make more services available before the

deductible, provide predictable cost sharing, maximize subsidies, limit adverse premium impacts, reduce barriers to maintaining and improving health, and encourage choice based on value, while limiting increases in health plan premium rates.

(b) The exchange may update the standardized health plans annually.

(c) The exchange must provide a notice and public comment period before finalizing each year's standardized health plans.

(d) The exchange must provide written notice of the standardized health plans to licensed health carriers by January 31st before the year in which the health plans are to be offered on the exchange. The exchange may make modifications to the standardized plans after January 31st to comply with changes to state or federal law or regulations.

(2) (a) Beginning January 1, 2021, any health carrier offering a qualified health plan on the exchange must offer ~~((one))~~ the silver ~~((standardized health plan))~~ and ~~((one))~~ gold standardized health plans established under this section on the exchange in each county where the carrier offers a qualified health plan. If a health carrier offers a bronze health plan on the exchange, it must offer ~~((one))~~ the bronze standardized health plans established under this section on the exchange in each county where the carrier offers a qualified health plan.

(b) (i) ~~((A))~~ Until December 31, 2022, a health ~~((plan))~~ carrier offering a standardized health plan under this section may also offer nonstandardized health plans on the exchange. Beginning January 1, 2023, a health carrier offering a standardized health plan under this section may also offer up to two nonstandardized gold health plans, two nonstandardized bronze health plans, one nonstandardized silver health plan, one nonstandardized platinum health plan, and one nonstandardized catastrophic health plan in each county where the carrier offers a qualified health plan.

(ii) The exchange, in consultation with the office of the insurance commissioner, shall analyze the impact to exchange consumers of offering only standard plans beginning in 2025 and submit a report to the appropriate committees of the legislature by December 1, 2023. The report must include an

analysis of how plan choice and affordability will be impacted for exchange consumers across the state, including an analysis of offering a bronze standardized high deductible health plan compatible with a health savings account, and a gold standardized health plan closer in actuarial value to the silver standardized health plan.

(iii) The actuarial value of nonstandardized silver health plans offered on the exchange may not be less than the actuarial value of the standardized silver health plan with the lowest actuarial value.

(c) A health carrier offering a standardized health plan on the exchange under this section must continue to meet all requirements for qualified health plan certification under RCW 43.71.065 including, but not limited to, requirements relating to rate review and network adequacy."

Correct the title.

Representative Cody moved the adoption of amendment (667) to the striking amendment (664):

On page 5, line 4 of the striking amendment, after "(a)" strike "At the request of" and insert "Upon an offer from"

On page 5, line 8 of the striking amendment, after "with" strike "the" and insert "at least one"

On page 5, line 9 of the striking amendment, after "plan" insert ". This subsection (1)(a) does not apply to a hospital owned and operated by a health maintenance organization licensed under chapter 48.46 RCW"

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

Amendment (667) to the striking amendment (664) was adopted.

Striking amendment (664), as amended, was adopted.

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

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5377, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5377, as amended by the House, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5377, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 5177, by Senators Cleveland, Dhingra, Das, Hunt, Nguyen, Pedersen and C. Wilson

#### Eliminating proof of nonmarriage as an element of a sex offense.

The bill was read the second time.

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

Representatives Orwall and Griffey spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5177.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5177, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Kraft.

SENATE BILL NO. 5177, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5160, by Senate Committee on Ways & Means (originally sponsored by Kuderer, Lias, Conway, Das, Lovelett, Saldaña and C. Wilson)**

**Addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies, providing for legal representation in eviction cases, and authorizing landlord access to state rental assistance programs. Revised for 2nd Substitute: Addressing landlord-tenant relations by providing certain tenant protections during the public health emergency, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to certain rental assistance programs.**

The bill was read the second time.

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

With the consent of the House, amendments (587), (588), (589), (590), (591), (592), (594), (595), (596), (599), (601), (606), (607), (608), (609), (610), (623), (624), (625), (626), (627), (653) and (663) were withdrawn.

Representative Caldier moved the adoption of amendment (665) to the committee striking amendment:

On page 2, beginning on line 11 of the striking amendment, after "2021" strike all material through "Washington" on line 13

On page 4, line 10 of the striking amendment, after "(1)" insert "The eviction moratorium instituted by the governor of the state of Washington's

proclamation 20-19.6 shall end on June 30, 2021.

(2) "

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

On page 19, at the beginning of line 32 of the striking amendment, insert "(1) "

On page 19, at the beginning of line 36 of the striking amendment, strike "(1) " and insert "(a) "

On page 20, at the beginning of line 1 of the striking amendment, strike "(2) " and insert "(b) "

On page 20, at the beginning of line 3 of the striking amendment, strike "(3) " and insert "(c) "

On page 20, after line 4 of the striking amendment, insert the following:

"(2) Until March 31, 2022, the department must provide rental assistance directly to a landlord on behalf of an indigent tenant who is unable to:

(a) Access an eviction resolution pilot program, as described in section 7 of this act, because such a program is either not available in the region in which the property is located or the regional program is not accepting new claims; or

(b) Obtain legal representation as described in section 8 of this act.

(3) For the purposes of this section, "indigent" has the same meaning as section 8(2) of this act."

Representatives Caldier, Peterson, Stonier and Barkis spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (665) to the committee striking amendment was adopted.

Representative Vick moved the adoption of amendment (655) to the committee striking amendment:

On page 4, line 2 of the striking amendment, after "to" strike "four" and insert "two"



Representatives Vick and Peterson spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (655) to the committee striking amendment was adopted.

Representative Peterson moved the adoption of amendment (651) to the committee striking amendment:

On page 4, line 37 of the striking amendment, after "entities;" insert "and"

On page 9, line 29 of the striking amendment, after "(1)(b)" strike "and (d)"

On page 14, beginning on line 7 of the striking amendment, after "under" strike all material through "RCW" on line 8 and insert "this chapter and chapters 59.12 and 59.20 RCW"

On page 29, beginning on line 13 of the striking amendment, after "moratorium," strike all material through "court" on line 21 and insert "if a tenant demonstrates an ability to pay in order to reinstate the tenancy by means of disbursement through the landlord mitigation program account established within RCW 43.31.605(1)(c):

(A) Any restrictions imposed under (d) of this subsection do not apply in determining if a tenant is eligible for reinstatement under this subsection (3); and

(B) Reimbursement on behalf of the tenant to the landlord under RCW 43.31.605(1)(c) may include up to three months of prospective rent to stabilize the tenancy as determined by the court"

Representatives Peterson and Caldier spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (651) to the committee striking amendment was adopted.

Representative Caldier moved the adoption of amendment (654) to the committee striking amendment:

On page 20, after line 4 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 13.** The sum of \$7,500,000 for the fiscal biennium ending June 30, 2023, is appropriated from the coronavirus state fiscal recovery fund created in Engrossed Substitute Senate

Bill No. 5092 (operating budget) to the department of commerce for the purposes of a landlord grant assistance program to provide grants to eligible landlords for rent that was not paid during the eviction moratorium pursuant to the governor's proclamation 20-19.6. The department shall have such rule-making authority as the department deems necessary to administer the program.

(1) To be eligible for a grant under this section, a landlord must:

(a) Apply for a grant or have a property manager or property

management company apply for a grant on behalf of a landlord;

(b) Be the sole investor in the property from which they are seeking rental arrears;

(c) Be the owner of no more than 10 dwelling units from which they receive rental payments; and

(d) Provide proof of ownership of the property and a statement certified under penalty of perjury of the amount of rent due during the eviction moratorium that the landlord was not paid by the tenant, through funds acquired through an emergency rental assistance program provided by a governmental or nonprofit entity, through the state landlord mitigation program defined in RCW 43.31.605, or through any other means that would reasonably be considered payment of rent due.

(2) Eligible landlords may receive a grant of up to 80 percent of the total amount of rent in arrears.

(3) The department will disburse funds to eligible landlords within 60 days of submission of the application. Eligibility for a grant under this section does not constitute an entitlement for payment. If eligible applications for grants exceed the funds appropriated in this section, the department must create and maintain a waitlist in the order the applications are received pursuant to this section. The department shall not be civilly or criminally liable and may not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds.

(4) The department shall provide a report to the appropriate committees of the legislature by September 30, 2023, which shall include the number of

eligible applicants who received grants and the total funds provided to such applicants, the number of eligible applicants on the waitlist who did not receive grants and the total amount of grants unpaid due to lack of funds, and the number of ineligible applicants and the reasons for ineligibility.

(5) A landlord who receives a grant under this section is prohibited from:

(a) Taking any legal action against the tenant for unpaid rent or damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, against the tenant for unpaid rent or damages attributable to the same tenancy.

(6) This section expires December 31, 2024."

Representatives Caldier and Taylor spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (654) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

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

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

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5160, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5160, as amended by the House, and the bill passed the House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Mosbrucker,

Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatte, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Graham, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Rude, Schmick, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5160, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237, by Senate Committee on Ways & Means (originally sponsored by C. Wilson, Dhingra, Das, Billig, Conway, Darneille, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Saldaña and Salomon)**

**Expanding accessible, affordable child care and early childhood development programs.**

The bill was read the second time.

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

With the consent of the House, amendment (646) was withdrawn.

Representative Senn moved the adoption of amendment (652) to the committee striking amendment:

On page 3, line 24 of the striking amendment, after "(9)" insert "The legislature recognizes that the federal government has provided substantial additional funding through the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M., and the American rescue plan act of 2021. The purpose of the additional federal funding is to ensure access to affordable child care and stabilize and support child care providers affected by COVID-19. Therefore, it is the intent of the legislature to use the additional federal funding to supplement state funding in order to accelerate these investments.

(10)"

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

On page 14, beginning on line 22 of the striking amendment, after "Beginning" strike all material through "younger" on line 27 and insert "October 1, 2021, a family is eligible for working connections child care when the household's annual income is at or below 60 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age"

On page 14, beginning on line 31 of the striking amendment, after "2025," strike all material through "younger" on line 37 and insert "a family is eligible for working connections child care when the household's annual income is above 60 percent and at or below 75 percent of the state median income adjusted for family size and:

(a) The child receiving care is (i) Less than 13 years of age; or (ii) less than 19 years of age"

On page 15, line 3 of the striking amendment, after "(4)" insert "Beginning July 1, 2027, and subject to the availability of amounts appropriated for this specific purpose, a family is eligible for working connections child care when the household's annual income is above 75 percent of the state median income and is at or below 100 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(5)"

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

On page 15, line 6 of the striking amendment, after "July 1," strike "2021" and insert "2023"

On page 15, line 8 of the striking amendment, after "July 1," strike "2021" and insert "2023"

On page 16, line 25 of the striking amendment, after "~~2020~~)" strike "July 1" and insert "August 1"

On page 21, line 19 of the striking amendment, after "available" insert "and subject to the availability of amounts appropriated for this specific purpose"

On page 38, line 4 of the striking amendment, after "~~(twelve)~~" strike "13" and insert "12"

On page 51, after line 39 of the striking amendment, insert the following:

**"Sec. 508.** RCW 43.216.136 and 2020 c 279 s 2 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by P.L. 113-186, authorizations for the working connections child care subsidy are effective for twelve months beginning July 1, 2016 (~~(, unless an earlier date is provided in the omnibus appropriations act)~~).

(a) A household's 12-month authorization must begin on the date that child care is expected to begin.

(b) If a newly eligible household does not begin care within 12 months of being determined eligible by the department, the household must reapply in order to qualify for subsidy.

(3)(a) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who:

(i) In the last six months have:

(A) Received child protective services as defined and used by chapters 26.44 and 74.13 RCW;

(B) Received child welfare services as defined and used by chapter 74.13 RCW; or

(C) Received services through a family assessment response as defined and used by chapter 26.44 RCW;

(ii) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(iii) Are residing with a biological parent or guardian.

(b) ~~((Children))~~ Families who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services identified in this subsection to maintain twelve-month authorization.

(4)(a) Beginning August 1, 2020, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is:

(i) A single parent;

(ii) A full-time student of a community, technical, or tribal college; and

(iii) Pursuing vocational education that leads to a degree or certificate in a specific occupation, not to result in a bachelor's or advanced degree.

(b) An applicant or consumer is a full-time student for the purposes of this subsection if he or she meets the college's definition of a full-time student. The student must maintain passing grades and be in good standing pursuant to college attendance requirements.

(c) Nothing in this subsection is intended to change how applicants or consumers are prioritized when applicants or consumers are placed on a waitlist for working connections child care benefits.

(5)(a) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a twelve-month grace period.

(b) For the purposes of this section, "homeless" means being without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

(6) For purposes of this section, "authorization" means a transaction

created by the department that allows a child care provider to claim payment for care. The department may adjust an authorization based on a household's eligibility status."

On page 52, after line 21 of the striking amendment, insert the following:

"NEW SECTION. Sec. 605. Section 202 of this act takes effect August 1, 2021.

NEW SECTION. Sec. 606. Section 508 of this act expires August 1, 2021."

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

On page 52, line 27 of the striking amendment, after "Sections" strike "201, 202,"

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

Amendment (652) to the committee striking amendment was adopted.

Representative McCaslin moved the adoption of amendment (641) to the committee striking amendment:

On page 12, beginning on line 4 of the striking amendment, after "two" strike all material through "agency" on line 6 and insert "~~((members, to be elected by the council for two year terms and not more than one cochair may represent a state agency))~~ legislative members, one from each of the two largest caucuses of the chamber in which the members serve. For the initial two-year term, the cochairs must represent the minority and the majority caucuses in the House of Representatives and be appointed by the Speaker of the House of Representatives. For the second two-year term, the cochairs must represent the minority and majority caucuses in the Senate and be appointed by the President of the Senate. Subsequent cochair appointees must alternate every two years between the House of Representatives and the Senate in this manner"

Representatives McCaslin and Dent spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Harris-Talley and Senn spoke against the adoption of the amendment to the committee striking amendment.

Amendment (641) to the committee striking amendment was not adopted.

Representative Chase moved the adoption of amendment (642) to the committee striking amendment:

On page 13, line 10 of the striking amendment, after "(11)" insert "(a)"

On page 13, line 12 of the striking amendment, after "process." strike "The subcommittee shall examine" and insert the following:

"(b) Members of the subcommittee must include two representatives of the department, two child care providers, and two parents of children in child care. One child care provider and one parent representative must reside east of the crest of the Cascade mountains and one child care provider and one parent representative must reside west of the crest of the Cascade mountains.

(c) The subcommittee shall:

(i) Examine"

On page 13, beginning on line 16 of the striking amendment, after "licensure" strike all material through "develop" on line 17 and insert ";

(ii) Develop"

On page 13, beginning on line 20 of the striking amendment, after "compliance" strike all material through "develop" on line 21 and insert "; and

(iii) Develop"

On page 13, line 23 of the striking amendment, after "process." insert the following:

"(d) "

Representatives Chase, Rule and Dent spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (642) to the committee striking amendment was adopted.

Representative Dent moved the adoption of amendment (634) to the committee striking amendment:

On page 29, after line 20 of the striking amendment, insert the following:

"NEW SECTION. Sec. 315. REGULATORY RELIEF TASK FORCE. (1) The department of children, youth, and families shall convene a task force with child care

providers and their representatives, facilitated by a neutral third party, to develop recommendations for providing regulatory relief and making the licensing process more affordable for child care providers. At a minimum, the task force must evaluate:

(a) Reviewing the child care licensing fee structure;

(b) Suspending, delaying, or waiving certain licensing requirements for at least one year;

(c) Reevaluating staff-to-child required ratios and the minimum indoor space requirements for licensing; and

(d) Removing, revising, or waiving licensing requirements related to the early achievers program.

(2) The task force must report recommendations agreed upon by the majority of task force members to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2021 and in accordance with RCW 43.01.036. The report must include the policy rationale, implementation plan, timeline, and recommended statutory changes required to implement the recommendations. The report must also include a minority report for recommendations provided by members that were not agreed upon.

(3) Task force participants must represent geographically diverse areas of the state and there must be a process to allow providers not able to participate to send feedback to the facilitator for consideration. Task force membership must include at least one representative from each of the following:

(a) The department of children, youth, and families;

(b) Licensed family home providers;

(c) Family, friend, and neighbor caregivers;

(d) Child care centers;

(e) The statewide child care resource and referral network; and

(f) A statewide association for representing the interests of

child care centers.

(4) Members of the task force shall be reimbursed for travel

expenses in accordance with chapter 43.03 RCW. Child care providers

serving as members of the task force must be reimbursed for the cost

of hiring a substitute for times the provider is away from the child

care business for official task for travel and meetings.

(5) Staff support for the task force must be provided by the

department of children, youth, and families.

(6) This section expires January 1, 2022.

**Sec. 316.** RCW 43.216.655 and 2019 c 369 s 7 are each amended to read as follows:

(1) The education data center established in RCW 43.41.400 must collect longitudinal, student-level data on all children attending an early childhood education and assistance program. Upon completion of an electronic time and attendance record system, the education data center must collect longitudinal, student-level data on all children attending a working connections child care program. Data collected should capture at a minimum the following characteristics:

- (a) Daily program attendance;
- (b) Identification of classroom and teacher;
- (c) Early achievers program quality level rating;
- (d) Program hours;
- (e) Program duration;
- (f) Developmental results from the Washington kindergarten inventory of developing skills in RCW 28A.655.080; and
- (g) To the extent data is available, the distinct ethnic categories within racial subgroups of children and providers that align with categories recognized by the education data center.

(2) The department shall provide early learning providers student-level data collected pursuant to this section that are specific to the early learning provider's program. Upon completion of an electronic time and attendance record system identified in subsection (1) of this section, the department shall provide child care providers student-

level data that are specific to the child care provider's program.

(3) The department shall review available research and best practices literature on cultural competency in early learning settings. The department shall review the K-12 components for cultural competency developed by the professional educator standards board and identify components appropriate for early learning professional development.

(4)(a) The Washington state institute for public policy shall conduct a longitudinal analysis examining relationships between the early achievers program quality ratings levels and outcomes for children participating in subsidized early care and education programs.

(b) The institute shall submit the first report to the appropriate committees of the legislature and the early learning advisory council by December 31, 2019. The institute shall submit subsequent reports annually to the appropriate committees of the legislature and the early learning advisory council by December 31st, with the final report due December 31, 2022. The final report shall include a cost-benefit analysis.

(5) By December 31, 2021, and subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall update the outcome evaluation of the early childhood education and assistance program required by chapter 16, Laws of 2013 and report to the governor and the legislature on the outcomes of program participants. The evaluation must include the demographics of program participants including race, ethnicity, and socioeconomic status. The evaluation must examine short and long-term impacts on program participants, including high school graduation rates for up to two cohorts. When conducting the evaluation, the institute must consider, to the extent that data is available, the education levels and demographics, including race, ethnicity, and socioeconomic status, of early childhood education and assistance program staff and the effects of full-day programming and half-day programming on outcomes.

(6)(a) The Washington state institute for public policy shall conduct a study comparing child care licensing

regulations nationwide. In conducting the study, the institute shall review and compare the structure of child care licensing regulations and outcomes in other states, including, but not limited to:

- (i) Child care costs;
- (ii) Availability of child care;
- (iii) Regulations on child care providers; and
- (iv) Safety and health outcomes for children in child care settings, to the extent possible.

(b) The institute shall submit a report on its findings to the appropriate committees of the legislature by December 31, 2021.

(c) Subsection (6) of this section will expire June 30, 2022."

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

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

Amendment (634) to the committee striking amendment was not adopted.

Representative Eslick moved the adoption of amendment (658) to the committee striking amendment:

On page 29, after line 20 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 315. SUPPORT FOR CHILD CARE DESERTS.** (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall establish a grant program to expand child care in child care deserts. Grants must be used for one-time costs associated with the opening of a child care site, including program costs, for providers who are newly licensed or are in the process of becoming licensed.

(2) The department must use the child care industry insights dashboard from the child care industry assessment as a tool to identify areas in which additional investments are needed in order to expand existing child care capacity to meet family demand and reduce child care deserts.

(3) This section expires June 30, 2026."

Representatives Eslick, Senn and Dent spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (658) to the committee striking amendment was adopted.

Representative Klippert moved the adoption of amendment (639) to the committee striking amendment:

On page 53, beginning on line 3 of the striking amendment, strike all of section 610

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

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

Amendment (639) to the committee striking amendment was not adopted.

Representative Klippert moved the adoption of amendment (636) to the committee striking amendment:

On page 53, line 6 of the striking amendment, after "immediately." insert the following:

**"NEW SECTION. Sec. 611.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

Representatives Klippert and McCaslin spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Ormsby and Senn spoke against the adoption of the amendment to the committee striking amendment.

Amendment (636) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives Harris-Talley, Wicks, Rule, Senn and Stonier spoke in favor of the passage of the bill.

Representatives McCaslin, Klippert, Chase, Abbarno, Eslick, Dye and Dent spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5237, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5237, as amended by the House, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5133, by Senators Conway, Hasegawa, Keiser, Saldaña and C. Wilson**

**Concerning the definition of confidential employee for the purposes of state collective bargaining.**

The bill was read the second time.

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

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

Representative Hoff spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5133.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5133, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5133, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5361, by Senate Committee on Law & Justice (originally sponsored by McCune, Warnick and J. Wilson)**

**Concerning the resentencing of persons convicted of drug offenses.**

The bill was read the second time.

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

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

Representatives Mosbrucker, Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5361, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5361, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

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



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

SUBSTITUTE SENATE BILL NO. 5361, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5163, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Dhingra, Saldaña and C. Wilson)**

**Concerning the placement and treatment of conditionally released sexually violent predators.**

The bill was read the second time.

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

With the consent of the House, amendment (541) was withdrawn.

Representative Klippert moved the adoption of amendment (542) to the committee striking amendment:

On page 7, line 29 of the striking amendment, after "secretary" strike "shall" and insert "may"

On page 7, line 32 of the striking amendment, after "court" strike "shall" and insert "may"

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

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

Amendment (542) to the committee striking amendment was not adopted.

Representative Klippert moved the adoption of amendment (543) to the committee striking amendment:

On page 7, line 35, of the striking amendment, after "upon" strike "the" and insert ": The"

On page 7, line 36 of the striking amendment, after "commitment" strike "as well as" and insert "; any person or persons identified in RCW

71.09.140(2)(a) who have opted to receive notifications under this chapter; and"

Representatives Klippert and Simmons spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (543) to the committee striking amendment was adopted.

Representative Klippert moved the adoption of amendment (544) to the committee striking amendment:

On page 9, line 25 of the striking amendment, after "court" strike "shall" and insert "~~(shall)~~ may"

On page 9, line 32 of the striking amendment, after "court" strike "shall" and insert "may"

On page 10, line 3 of the striking amendment, after "court" strike "shall" and insert "may"

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

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

Amendment (544) to the committee striking amendment was not adopted.

Representative Klippert moved the adoption of amendment (545) to the committee striking amendment:

On page 18, line 5 of the striking amendment, after "protect the" insert "victim and the"

Representatives Klippert and Simmons spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (545) to the committee striking amendment was adopted.

Representative Klippert moved the adoption of amendment (546) to the committee striking amendment:

On page 18, line 21 of the striking amendment, after "up to" strike "72" and insert "96"

Representatives Klippert and Simmons spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (546) to the committee striking amendment was adopted.

Representative Simmons moved the adoption of amendment (657) to the committee striking amendment:

On page 18, line 25 of the striking amendment, after "officers," strike "agency" and insert "agents"

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

Amendment (657) to the committee striking amendment was adopted.

Representative Klippert moved the adoption of amendment (547) to the committee striking amendment:

On page 24, line 36 of the striking amendment, after "may" strike "not"

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

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

Amendment (547) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

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

Representatives Simmons and Leavitt spoke in favor of the passage of the bill.

Representatives Klippert and Graham spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5163, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5163, as amended by the House, and the bill passed the House by the following vote: Yeas, 61; Nays, 37; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba,

Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5163, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

### MOTION

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

SENATE BILL NO. 5019  
 SECOND SUBSTITUTE SENATE BILL NO. 5062  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5172  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5178  
 ENGROSSED SENATE BILL NO. 5220  
 SUBSTITUTE SENATE BILL NO. 5271  
 SECOND SUBSTITUTE SENATE BILL NO. 5315  
 SUBSTITUTE SENATE BILL NO. 5317  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5353  
 SECOND SUBSTITUTE SENATE BILL NO. 5383  
 SECOND SUBSTITUTE SENATE BILL NO. 5396

There being no objection, the House adjourned until 10:00 a.m., April 9, 2021, the 89th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

1061-S2		5172-S	
Messages.....	1	Other Action.....	26
1166-S		5177	
Messages.....	1	Second Reading.....	15
1167		Third Reading Final Passage.....	16
Messages.....	1	5178-S	
1170-S		Other Action.....	26
Messages.....	1	5190-S	
1225-S		Second Reading.....	9
Messages.....	1	Amendment Offered.....	9
1301-S		Third Reading Final Passage.....	10
Messages.....	1	5192-S2	
1302-S		Introduction & 1st Reading.....	2
Messages.....	1	5220	
1382-S2		Other Action.....	26
Messages.....	1	5237-S2	
1455-S		Second Reading.....	18
Messages.....	1	Amendment Offered.....	18, 20, 21, 23
4627		Third Reading Final Passage.....	24
Resolution Adopted.....	1	5254-S	
5019		Second Reading.....	8
Other Action.....	26	Third Reading Final Passage.....	9
5024-S		5262-S	
Second Reading.....	7	Introduction & 1st Reading.....	2
Third Reading Final Passage.....	7	5263-S	
5062-S2		Second Reading.....	4
Other Action.....	26	Amendment Offered.....	4, 5
5118-S		Third Reading Final Passage.....	6
Second Reading.....	3	5271-S	
Third Reading Final Passage.....	3	Other Action.....	26
5121-S		5315-S2	
Second Reading.....	7	Other Action.....	26
Amendment Offered.....	7, 8	5317-S	
Third Reading Final Passage.....	8	Other Action.....	26
5124		5353-S	
Second Reading.....	6	Other Action.....	26
Third Reading Final Passage.....	7	5361-S	
5132		Second Reading.....	24
Second Reading.....	2	Third Reading Final Passage.....	25
Amendment Offered.....	2	5370-S	
Third Reading Final Passage.....	3	Second Reading.....	4
5133		Amendment Offered.....	4
Second Reading.....	24	Third Reading Final Passage.....	4
Third Reading Final Passage.....	24	5377-S2	
5158		Second Reading.....	10
Second Reading.....	3	Amendment Offered.....	10, 15
Third Reading Final Passage.....	3	Third Reading Final Passage.....	15
5160-S2		5383-S2	
Second Reading.....	16	Other Action.....	26
Amendment Offered.....	16, 17	5396-S2	
Third Reading Final Passage.....	18	Other Action.....	26
5163-S2		5408-S	
Second Reading.....	25	Second Reading.....	6
Amendment Offered.....	25, 26	Amendment Offered.....	6
Third Reading Final Passage.....	26	Third Reading Final Passage.....	6