

HOUSE JOURNAL
OF THE
SIXTY-SEVENTH LEGISLATURE
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2021 Regular Session
Convened January 11, 2021
Adjourned Sine Die April 25, 2021

VOLUME 1



Laurie Jenkins, Speaker
Tina Orwall, Speaker Pro Tempore
Bernard Dean, Chief Clerk

Compiled and edited by Gary Holt, House Journal Clerk

VOLUME 1

2021 Regular Session January 11, 2021: Day 1 - 74.....1

VOLUME 2

2021 Regular Session January 11, 2021: Day 75 - 82.....1040

VOLUME 3

2021 Regular Session January 11, 2021: Day 83 - 94.....2070

VOLUME 4

2021 Regular Session January 11, 2021: Day 95 - 104.....3249

VOLUME 5

2021 Regular Session January 11, 2021: Day 1054185

History of Bills.....4818

House Legislative Leaders.....4857

Roster of Members.....4858

Bills, Memorials and Resolutions Passed.....4878

Statewide Map of Legislative Districts.....4898

Governor's Veto Messages on House Bills.....4900

General Topical Index.....4911

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SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIRST DAY

House Chamber, Olympia, Monday, January 11, 2021

The House was called to order at 12:00 p.m. by the Chief Clerk Bernard Dean. The Clerk called the roll and a quorum was present.

Chief Clerk Dean led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative April Berg, 44th Legislative District.

MOTIONS

On motion of Representative Riccelli, Representatives Paul and Ryu were excused.

On motion of Representative Griffey, Representatives Eslick and Graham were excused.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4600, by Representative Sullivan

NOW, THEREFORE, BE IT RESOLVED, That no later than Friday, January 29, 2021, the nineteenth legislative day, the House of Representatives shall meet to consider adoption of permanent House Rules for the Sixty-Seventh Legislature; and

BE IT FURTHER RESOLVED, That temporary House Rules for the Sixty-Seventh Legislature be adopted as follows:

~~((PERMANENT))~~ TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES

~~((SIXTY-SIXTH))~~ SIXTY-SEVENTH LEGISLATURE ~~((2019-2020))~~ 2021-2022

HOUSE
RULE NO.

Rule 1	Definitions
Rule 2	Chief Clerk to Call to Order
Rule 3	Election of Officers
Rule 4	Powers and Duties of the Speaker
Rule 5	Chief Clerk
Rule 6	Executive Rules Committee
Rule ((6)) 7	Duties of Employees

Rule ((7)) 8	Admission to the House
Rule ((8)) 9	Absentees and Courtesy
Rule ((9)) 10	Bills, Memorials and Resolutions - Introductions
Rule ((10)) 11	Reading of Bills
Rule ((11)) 12	Amendments
Rule ((12)) 13	Final Passage
Rule ((13)) 14	Hour of Meeting, Roll Call and Quorum
Rule ((14)) 15	Daily Calendar and Order of Business
Rule ((15)) 16	Motions
Rule ((16)) 17	Members Right to Debate
Rule ((17)) 18	Rules of Debate
Rule ((18)) 19	Ending of Debate - Previous Question
Rule ((19)) 20	Voting
Rule ((20)) 21	Reconsideration
Rule ((21)) 22	Call of the House
Rule ((22)) 23	Appeal from Decision of Chair
Rule ((23)) 24	Standing Committees

Rule ((24)) 25	Duties of Committees
Rule ((25)) 26	Standing Committees - Expenses - Subpoena Power
Rule ((26)) 27	Vetoed Bills
Rule ((27)) 28	Suspension of Compensation
Rule ((28)) 29	Smoking
Rule ((29)) 30	Liquor
Rule ((30)) 31	Parliamentary Rules
Rule ((31)) 32	Standing Rules Amendment
Rule ((32)) 33	Rules to Apply for Assembly
Rule ((33)) 34	Legislative Mailings

Definitions

Rule 1. "Absent" means an unexcused failure to attend.

"Term" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the house in accordance with Article II § 12 of the state Constitution.

"Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.

"Fiscal committee" means the appropriations, capital budget, finance, and transportation committees.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

Chief Clerk to Call to Order

Rule 2. It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

Election of Officers

Rule 3. The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; a deputy speaker pro tempore, who shall serve in absence or in case of the inability of the speaker and speaker pro tempore; and a chief clerk of the house. Such officers

shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

Powers and Duties of the Speaker

Rule 4. The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II § 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs as selected by the majority party caucus, and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee and the executive rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

Chief Clerk

Rule 5. The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall perform all administrative duties related to the public records obligations of members of the house.

The chief clerk shall employ, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

Executive Rules Committee

Rule 6. The executive rules committee is hereby established to oversee administrative operations of the house. The committee consists of four members of the majority caucus and three members of the minority caucus, to be named by the speaker and minority leader respectively.

Duties of Employees

Rule ((6)) 7. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

Admission to the House

Rule ((7)) 8. It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

- The governor or designees, or both;
- Members of the senate;
- State elected officials;
- Officers and authorized employees of the legislature;
- Former members of the house who are not advocating any pending or proposed legislation;
- Representatives of the press;
- Other persons with the consent of the speaker.

(B) Only members of the house, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the

house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

Absentees and Courtesy

Rule ((8)) 9. No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

Bills, Memorials and Resolutions - Introductions

Rule ((9)) 10. Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

Any returning member or member-elect may prefile a bill with the chief clerk commencing the first Monday in December preceding any regular session or twenty (20) days before any special session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

No house bill may be introduced that is identical to any other pending house bill.

Reading of Bills

Rule ((10)) 11. Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) **FIRST READING.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) **SECOND READING.** Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) **SUBSTITUTE BILLS.** When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) **THIRD READING.** Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) **SUSPENSION CALENDAR.** Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) **HOUSE RESOLUTIONS.** House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions

by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Children's Day, Day of Remembrance, Martin Luther King Jr. Day, National Guard Day, and President's Day.

(G) **CONCURRENT RESOLUTIONS.** Reading of concurrent resolutions may be advanced by majority vote.

Amendments

Rule ((~~14~~)) 12. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule ((~~10~~)) 11(E) and as follows:

(A) **AMENDMENTS TO BE OFFERED IN PROPER FORM.** The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) **COMMITTEE AMENDMENTS.** When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) **SENATE AMENDMENTS TO HOUSE BILLS.** A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) **AMENDMENTS TO BE GERMANE.** No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) **SCOPE AND OBJECT NOT TO BE CHANGED.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

(F) **NO AMENDMENT BY REFERENCE.** No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) **TITLE AMENDMENTS.** The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

Final Passage

Rule ((12)) 13. Rules relating to bills on final passage are as follows:

(A) BUDGET BILLS. No final passage vote may be taken on an operating budget, transportation budget, or capital budget bill until twenty-four (24) hours after the bill is placed on the third reading calendar. The twenty-four (24) hour requirement does not apply to conference reports, which are governed by Joint Rule 20, or to bills placed on the third reading calendar by a two-thirds (2/3) vote of the members present.

(B) RECOMMITMENT BEFORE FINAL PASSAGE. A bill may be recommitted at any time before its final passage.

(C) FINAL PASSAGE. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II § 22)

(D) BILLS PASSED - CERTIFICATION. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

Hour of Meeting, Roll Call and Quorum

Rule ((13)) 14. (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule ((21)) 22(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

Daily Calendar and Order of Business

Rule ((14)) 15. The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

Motions

Rule ((15)) 16. Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

(1) Privileged motions:

Adjourn

Adjourn to a time certain

Recess to a time certain

Reconsider

Demand for division

Question of privilege

Orders of the day

(2) Subsidiary motions:

First rank:	Question of consideration
Second rank:	To lay on the table
Third rank:	For the previous question
Fourth rank:	To postpone to a day certain
	To commit or recommit
	To postpone indefinitely
Fifth rank:	To amend

(3) Incidental motions:

Points of order and appeal

Method of consideration

Suspension of the rules

Reading papers

Withdraw a motion

Division of a question

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule ((22)) 23.

Motions to adopt house resolutions shall be decided without debate, except as provided in Rule ((40)) 11(F).

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

Members Right to Debate

Rule ((16)) 17. The methods by which a member may exercise his or her right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule ((18)) 19 (Previous Question).

Rules of Debate

Rule ((17)) 18. The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the

distribution. This shall not apply to materials normally distributed by the chief clerk.

(E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) DIVISION OF POINTS OF DEBATE. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) DECORUM OF MEMBERS. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) REMARKS CONFINED. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) EXCEPTION TO WORDS SPOKEN IN DEBATE. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) TRANSGRESSION OF RULES - APPEAL. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

Ending of Debate - Previous Question

Rule ((18)) 19. The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative _____ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

Voting

Rule ((19)) 20. (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) ALL MEMBERS TO VOTE. Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) PRIVATE INTEREST. No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

(E) INTERRUPTION OF ROLL CALL. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) YEAS AND NAYS - RECORDED VOTES. Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(G) TIE VOTE, QUESTION LOSES. In case of an equal division, the question shall be lost.

(H) DIVISION. If the speaker is in doubt, or if division is

called for by any member, the house shall divide.

(I) STATEMENT FOR JOURNAL. A member whose recorded vote does not accurately reflect his or her intent may submit a written statement for the journal clarifying their intent to vote aye or nay. The statement must be submitted to the chief clerk on the same day the vote is taken. A member who is excused for one or more days of recorded votes may submit a written statement for the journal explaining the reason for his or her absence. The statement may not exceed fifty words and must be submitted to the chief clerk on the same day the member returns.

Reconsideration

Rule ((20)) 21. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

Call of the House

Rule ((21)) 22. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) DOORS TO BE CLOSED. When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the

chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) HOUSE UNDER CALL. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

Appeal from Decision of Chair

Rule ((22)) 23. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

Rule ((23)) 24. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Appropriations	33
2. Capital Budget	25
3. Civil Rights & Judiciary	15
4. College & Workforce Development	17
5. Commerce & Gaming	11
6. Consumer Protection & Business	13
7. Education	17
8. Environment & Energy	11
9. Finance	12
10. Health Care & Wellness	15
11. Housing, Community Development & Veterans	9
12. Human Services & Early Learning	13
13. Innovation, Technology & Economic Development	9

14. Labor & Workplace Standards	7
15. Local Government	7
16. Public Safety	11
17. Rules	25
18. Rural Development, Agriculture & Natural Resources	15
19. State Government & Tribal Relations	9
20. Transportation	31
1. Appropriations	33
2. Capital Budget	23
3. Children, Youth & Families	13
4. Civil Rights & Judiciary	17
5. College & Workforce Development	13
6. Commerce & Gaming	9
7. Community & Economic Development	13
8. Consumer Protection & Business	7
9. Education	13
10. Environment & Energy	13
11. Finance	17
12. Health Care & Wellness	15
13. Housing, Human Services & Veterans	9
14. Labor & Workplace Standards	7
15. Local Government	7
16. Public Safety	13
17. Rules	27
18. Rural Development, Agriculture & Natural Resources	15
19. State Government & Tribal Relations	7
20. Transportation	29

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs.

Duties of Committees

Rule ((24) 25. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the

nature of the subject, and the number of prior hearings on the subject.

(B) COMMITTEE QUORUM. A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may prepare a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage.

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

(9) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or

requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

~~(10) ((Standing committee subcommittees established in Rule 23 have the same powers and duties as standing committees.~~

~~(11))~~ Insofar as practicable, testimony in public hearings should be balanced between those in support of and in opposition to proposed legislation, with consideration given to providing an opportunity for members of the public to testify within available time.

Standing Committees - Expenses - Subpoena Power

Rule ((25)) 26. Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any process, the committee chairperson shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

Vetoed Bills

Rule ((26)) 27. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

Suspension of Compensation

Rule ((27)) 28. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be

denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

Smoking

Rule ((28)) 29. Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

Liquor

Rule ((29)) 30. The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

Parliamentary Rules

Rule ((30)) 31. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Standing Rules Amendment

Rule ((31)) 32. Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule ((40)) 11.

Rules to Apply for Assembly

Rule ((32)) 33. The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

Legislative Publications

Rule ((33)) 34. The House of Representatives directs the house executive rules committee to adopt procedures and

guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

Appendix to House Rules

The house of representatives of the sixty-seventh legislature acknowledges that the COVID-19 pandemic requires the adoption of extraordinary rules of procedure that protect the health of members, staff, and the public, and ensure transparency and openness in house proceedings.

Pursuant to Article II, Section 9 of the state Constitution, the house of representatives hereby adopts the following Appendix Rules A-1 through A-10 to govern its proceedings during the COVID-19 state of emergency.

Application of Rules

Rule A-1. Reed's Parliamentary Rules and the Rules of the House of Representatives are hereby superseded to the extent they are inconsistent with the rules set forth in this appendix.

Remote Participation and Voting Authorized

Rule A-2. House members shall participate remotely in official house proceedings, including committee meetings and floor sessions, and when doing so, shall be considered present for purposes of a quorum and voting.

Members are encouraged to use computers provided by the house to participate in committee meetings. Members are required to use computers provided by the house to cast votes in remote floor sessions and are required to use the virtual background provided by the house for their video display.

Admittance to House Facilities

Rule A-3. Admittance to house facilities is permitted only as follows:

(1) Presiding officers, the minority leader, floor leaders, and staff essential to floor operations are permitted in the chamber during floor proceedings.

(2) Including the members identified in subsection (1) of this rule, each caucus may designate 15 members to participate remotely from their assigned legislative offices. Each caucus must prioritize members with technological problems that preclude remote participation.

(3) The executive rules committee may authorize additional members of the house to participate remotely from their assigned legislative offices upon a showing that technological problems preclude participation from the member's home or an alternate district location.

(4) Staff may access house facilities only with prior approval of the chief clerk.

Any person permitted access to house facilities must comply with public health requirements both on and off campus, and any other restriction established by executive rules and/or the chief clerk.

House Resolutions

Rule A-4. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Day of Remembrance, Martin Luther King Jr. Day, President's Day, National Guard Day, and Navy Day. Floor debate on commemorative resolutions is limited to 10 minutes for members of the majority caucus and 10 minutes for members of the minority caucus.

Members Right to Debate

Rule A-5. Any member who desires to speak may request to be recognized by use of the request to speak function in the remote floor activity system.

No member may speak longer than 10 minutes without consent of the house, PROVIDED, that on and after the fifth day prior to the day of adjournment Sine Die of any session, as determined by Article II, Section 12 of the state Constitution or concurrent resolution, and on and after the fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member may speak more than three minutes without consent of the house.

Amendments

Rule A-6. To facilitate the orderly consideration of legislation, the speaker, after consultation with the minority leader, may establish a deadline for submission of amendments.

Voting

Rule A-7. The speaker shall divide the house on all motions not requiring a recorded roll call vote. A member is not required to participate in a division vote.

All members present in the remote floor proceedings shall vote when the question is put on any motion requiring a recorded roll call vote. Before locking the roll call machine, the presiding officer shall call the name of any member not voting. If a member is unable to vote using the remote voting function, the member may vote orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

Any member who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the same day the vote is taken or submit a statement for the journal indicating their intent to vote yea or nay.

Distribution of Materials

Rule A-8. Any requirement to distribute materials to members' desks is satisfied by distribution through electronic means.

Duties of Committees

Rule A-9. Every notice of a committee meeting shall include a web address for information about viewing and

providing public testimony at committee meetings in lieu of a physical location.

Every member participating remotely in a committee meeting shall be considered present for purposes of quorum and roll call voting.

Only such bills as are included on the written notice of a committee meeting may be considered at that meeting.

Every report and recommendation shall be made by members of the committee during a regularly called meeting of the committee. No signatures are required.

Every vote to report a bill out of committee shall be taken by the yeas and nays, with nays specifying "do not pass" or "without recommendation."

A meeting shall be considered open to the public if an alternate and broadly accessible means for the public to view the meeting is available.

Term of Appendix Rules

Rule A-10. The rules in this appendix expire on the termination of the COVID-19 state of emergency.

Representative Sullivan moved adoption of HOUSE RESOLUTION NO. 4600

Representatives Sullivan and Stonier spoke in favor of the adoption of the resolution.

Representatives Dent and Young spoke against the adoption of the resolution.

ROLL CALL

The Clerk called the roll on the adoption of HOUSE RESOLUTION NO. 4600 and the resolution was adopted by the following vote: Yeas: 55; Nays: 39; Absent: 0; Excused: 4

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Gilday, Goehner, 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

Excused: Representatives Eslick, Graham, Paul, and Ryu

HOUSE RESOLUTION NO. 4600 was adopted.

ELECTION OF THE SPEAKER

Representative J. Johnson moved that Representative Laurie Jinkins be elected for the Office of Speaker of the House of Representatives.

Representative J. Johnson: "Thank you, Mr. Chief Clerk. It is my honor to nominate for the speaker, the gentle lady from the twenty-seventh district. She's known for being a persuasive speaker. But she's also eager to listen and to learn. To listen and to learn from historically marginalized communities. And she's committed to do the work necessary during this pandemic. In a time of great stress and division and polarization, she is the best person to guide us towards racial equity, public health, economic recovery and climate justice. Opportunity, equity and justice. These are more than just words to her. These are actions. In this moment, we need bold, decisive leadership. And that is why I am proud to stand here today and nominate the gentle lady from the twenty-seventh district. Thank you."

Representative Kretz moved that Representative J.T. Wilcox be elected for the Office of Speaker of the House of Representatives.

Representative Kretz: "Thank you, Mr. Chief Clerk. We're in a time of storms in our nation. A lot of division. We're seeing things we've never seen. We've seen strife, on a state and a federal level like we have not seen before. And this is just a thought, that maybe we try something different here in the state of Washington. I think about what it would be if we had a legislature that did things a little bit different. Maybe we just found fifty members from both parties and made a decision? We could do that on speaker. I think about the rules committee that was more functional where your voice and your vote counted more. Think about going out and finding fifty people to pass a bill. It's just like what we're doing right now. If there's fifty people that want to support this? We could do something really different. And it just seems like a different atmosphere in times like this could be pretty useful in navigating these tough times. With the challenges we're facing with both COVID and with our economy. So, I would close with I feel really good about Representative Wilcox. I think he showed a steady hand in our caucus. I know he's a straight shooter from lots of personal experience. And I'm proud to nominate Representative Wilcox for Speaker. Thank you."

MOTION

Representative Sullivan moved that the nominations for the Office of Speaker of the House of Representatives be closed. The motion was carried.

Chief Clerk Dean stated the question before the House to be the election of the Speaker of the House of Representatives.

ROLL CALL

The Clerk called the roll on the nomination for the Office of the Speaker of the House of Representatives and the

Speaker of the House of Representatives was elected by the following vote: Laurie Jinkins: 55; J.T. Wilcox: 39; Absent: 0; Excused: 4

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

Voting for J.T. Wilcox: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Gilday, Goehner, 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

Excused: Representatives Eslick, Graham, Paul, and Ryu

Representative Laurie Jinkins was elected to the Office of the Speaker of the House of Representatives.

OATH OF OFFICE

Justice G. Helen Whitener administered the Oath of Office to Speaker Jinkins.

Chief Clerk Dean congratulated the Speaker and turned the gavel over to her.

SPEAKER'S REMARKS

Madame Speaker: "Washingtonians, members of the House, we are in the hardest of times. Hard for Washington families. For our businesses. For our teachers and students. For those most in need. For those hurt by systemic racism. And for those committed to our representative democracy. But in these hard times, hope is on the horizon. Hope because of vaccines. Hope because public health workers never rest. Hope because people are wearing masks, social distancing and applying innovation to every single thing they do. Hope because our representative democracy was put to the test of sedition last week and resisted it. Showing our weakness, but more importantly our strength. Our job for every minute of the next one hundred and five days is not just to keep hope alive for the people of our great state, but to make hope a reality. So let's start working right now and all session long. To deliver hope and turn these hardest of times into a recovery that is equitable, that is inclusive, and that is sustainable. Let's get to work right now."

POINT OF PERSONAL PRIVILEGE

Representative Wilcox: "Thank you, Madame Speaker. And congratulations. I know you are going to work for all of Washington for the next one hundred five days and maybe more, who knows? I'd just like to share one of the worst calls I've ever had in my life. Many of us have had bad news

and phone calls. Sometimes it's expected, sometimes it's a total surprise. And it was with someone who's in the chamber here. My very good friend and this is not a professional courtesy, this is heartfelt. The good representative from the thirteenth legislative district. And I called up to ask him how he was doing. And in a voice that immediately caused a great sense of despair in my heart because it was so weak. He said, 'I'm doing fine J.T. but I'm in ICU.' That was a bad call. And it just illustrates the things that are happening to us, all around. The impact of COVID has divided us like nothing ever has before. I tell people that anything that isn't perfect is ten times harder because of COVID. And one of the things that divides us is that it's impacts are so uneven. We know that the impact of the disease itself in terms of mortality rates and bad outcomes that can affect people for the rest of their lives, is very uneven. It strikes people that are older. Strikes people that have other health challenges. And it strikes some ethnic groups much harder than others. Madame Speaker, the members of the House Republican Caucus represent many of those people. And we are very concerned. The other thing that divides us, is the fact that the burden and the cost of COVID is falling so unevenly as well. For many of us, the paycheck continues. The job might be modified but it's still there. You have a sense of belonging. A sense of being needed. But for others in our economy, a narrow group, all of those things are gone. The work is gone. Sometimes the thing that you spent your whole life building is gone or nearly gone. And Madame Speaker, I am so happy that we are here to work on these things. We're here for the people of Washington. I wish we would have been here long before now. But we're here now and we are ready to go to work. We hope that we can see immediate action to help even out the burdens and to relieve the burdens that people clear across Washington are bearing because of COVID and our reaction to COVID. Madame Speaker, many in my caucus are as concerned as you are, about the recent events in our country. The violence. The breakdown in civil order. It's been happening all year. It isn't just one day. I think everyone expects us, even though things are ten times harder in a time of COVID, to be better. Madame Speaker, we have a lot of security around us today. One thing that we've got to remember, in the middle of all of this, and it's hard when you've got these people that are here to protect the building, it's not about us, Madame Speaker. It's not about our egos. It's not about our individual agendas or even our party agendas. It's about every single person in the state of Washington that's bearing a burden that is much harder than it used to be. We have to do everything that we can to give them faith. To let them know that they have a voice. We won't always win. We certainly don't always win here.

But they have a voice. And it's important for every single one of us, majority or minority, to recognize that. And honor that. Madame Speaker, we are all ready to get to work. That was a great speech that you made about 'it's time to get to work.' And it's not just about the policies here. It's about figuring out how to rebuild trust. How to be better than we've been. How to reject name calling, shaming. All of the empty things that have been tried and tried and tried for the last several years. It's time to recognize that there's one thing that each one of us have control over. And that's the example that we project to people clear across the state. And

there could be no more important time to do that. Because I don't think anyone doubts now, that the future of our families, the future of this institution, the future of Washington and the future of our country is at stake. It's not about us. It's about those things. Let's be the best example that we can. Thank you, Madam Speaker.”

ELECTION OF SPEAKER PRO TEMPORE

There being no objection, Representative Tina Orwall was elected Speaker Pro Tempore of the House of Representatives.

OATH OF OFFICE

Justice G. Helen Whitener administered the Oath of Office to Speaker Pro Tempore Orwall.

ELECTION OF DEPUTY SPEAKER PRO TEMPORE

There being no objection, Representative John Lovick was elected Deputy Speaker Pro Tempore of the House of Representatives.

OATH OF OFFICE

Justice G. Helen Whitener administered the Oath of Office to Deputy Speaker Pro Tempore Lovick.

ELECTION OF THE CHIEF CLERK

There being no objection, Bernard Dean was elected Chief Clerk of the House of Representatives.

OATH OF OFFICE

Justice G. Helen Whitener administered the Oath of Office to Chief Clerk Dean.

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

INTRODUCTION & FIRST READING

HB 1000 by Representatives Maycumber, Lovick, Ryu, Leavitt, Boehnke, Eslick, Shewmake, Lekanoff, Fitzgibbon, J. Johnson, Slatter, Wylie, Tharinger, Goodman, Bronoske, Valdez, Callan, Young, Graham, Cody, Robertson, Ormsby, Dent, Stonier, Fey, Macri, Jacobsen, Schmick, Davis, Pollet and Bergquist

AN ACT Relating to establishing and expanding wellness, resiliency, and mental health support for law enforcement officers; adding new sections to chapter 36.28A RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1001 by Representatives Maycumber, Lovick, Ryu, Boehnke, Leavitt, Lekanoff, Tharinger, Goodman, Young, Graham, Cody, Robertson and J. Johnson

AN ACT Relating to establishing a law enforcement professional development outreach grant program; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1002 by Representatives Walen, Ryu, Wicks, Leavitt, Boehnke, Shewmake, Ortiz-Self, Lekanoff, Duerr, Orcutt, Corry, Slatter, Wylie, Tharinger, Ramel, Senn, Goodman, Callan, Graham, Ramos, Hackney, Vick, Robertson, Kirby, Paul, Barkis, Riccelli, Springer, Stonier, Fey, Santos, Stokesbary and Rule

AN ACT Relating to providing a business and occupation tax exemption for qualifying grants related to COVID-19 relief; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 1003 by Representatives Klippert, Young, Graham and Sutherland

AN ACT Relating to requiring watermarks on mail-in ballots; amending RCW 29A.40.180; reenacting and amending RCW 29A.40.110; and adding a new section to chapter 29A.36 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1004 by Representatives Klippert, Eslick, Graham, Kirby, Sutherland and Schmick

AN ACT Relating to legislative oversight of health orders issued in response to a proclaimed state of emergency; amending RCW 43.70.130 and 70.05.070; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1005 by Representatives Klippert and Graham

AN ACT Relating to the crime of blacklisting; and amending RCW 49.44.010.

Referred to Committee on Labor & Workplace Standards.

HB 1006 by Representatives Klippert, Eslick, Dent, Caldier, Young, Graham, Rude and Sutherland

AN ACT Relating to protecting the right of every Washington resident to decline an immunization or

vaccination based on religion or conscience; amending RCW 28A.210.090, 28A.210.090, 43.216.690, and 43.06.220; adding a new section to chapter 70.54 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1007 by Representatives Klippert, Slatter, Graham and Macri

AN ACT Relating to the completion of supervised experience through distance supervision; and amending RCW 18.225.090.

Referred to Committee on Health Care & Wellness.

HB 1008 by Representatives Klippert, Young, Graham and Barkis

AN ACT Relating to prohibiting abortion on the basis of Down syndrome; amending RCW 9.02.110 and 9.02.170; and adding new sections to chapter 9.02 RCW.

Referred to Committee on Health Care & Wellness.

HB 1009 by Representatives Thai, Slatter, Wicks, Ortiz-Self, Kloba, Lekanoff, Bateman, J. Johnson, Ryu, Senn, Gregerson, Valdez, Cody, Riccelli, Frame, Santos, Macri and Pollet

AN ACT Relating to student health plans; and amending RCW 48.43.073.

Referred to Committee on Health & Long Term Care.

HB 1010 by Representatives MacEwen, Eslick, Dent, Corry, Young, Graham, Vick, Robertson and Barkis

AN ACT Relating to dedicating the state sales tax on motor vehicles for transportation; amending RCW 82.08.020 and 82.12.020; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 46.68 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1011 by Representatives MacEwen, Eslick, Wicks, Corry, Young, Graham, Vick, Rude, Stokesbary and Rule

AN ACT Relating to renewal dates for liquor licenses; adding a new section to chapter 66.24 RCW; adding a new section to chapter 19.02 RCW; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1012 by Representatives MacEwen, Eslick, Dent, Corry, Young, Graham, Vick, Robertson, Barkis, Rude, Jacobsen and Schmick

AN ACT Relating to providing a business and occupation tax credit to address the economic impacts of the COVID-19 pandemic on businesses in the state; adding a new section to chapter 82.04 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1013 by Representatives Klippert, Eslick and Graham

AN ACT Relating to limiting the duration of emergency rules; and amending RCW 34.05.350.

Referred to Committee on State Government & Tribal Relations.

HB 1014 by Representatives Klippert and Graham

AN ACT Relating to election of the governor by county; amending RCW 29A.64.021 and 44.05.080; and adding a new section to chapter 29A.52 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1015 by Representatives Maycumber, Chapman, Tharinger, Graham, Santos and Macri

AN ACT Relating to creating the Washington equitable access to credit act; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1016 by Representatives Morgan, Lovick, Ryu, Wicks, Ortiz-Self, Berry, Leavitt, J. Johnson, Kloba, Shewmake, Simmons, Bateman, Lekanoff, Duerr, Fitzgibbon, Chopp, Slatter, Ramos, Ramel, Peterson, Gregerson, Valdez, Callan, Young, Hackney, Cody, Ormsby, Riccelli, Rude, Stonier, Fey, Frame, Santos, Macri, Taylor, Davis, Pollet, Bergquist and Harris-Talley

AN ACT Relating to making Juneteenth a legal holiday; amending RCW 1.16.050; and creating a new section.

Referred to Committee on Appropriations.

HB 1017 by Representatives Klippert, Eslick and Graham

AN ACT Relating to legislative oversight of emergency orders issued during a proclaimed state of emergency; amending RCW 43.70.130 and 70.05.070; adding a new section to chapter 35A.12 RCW; adding a new section to chapter 35A.13 RCW; adding a new section to chapter 35.18 RCW; adding a new section to chapter

35.17 RCW; adding a new section to chapter 36.01 RCW; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1018 by Representatives Lovick, Ryu, Ortiz-Self, Goodman and Orwall

AN ACT Relating to boater education; and amending RCW 79A.60.010 and 79A.60.640.

Referred to Committee on Community & Economic Development.

HB 1019 by Representatives Kloba, MacEwen, Ryu, Wicks, Dolan, Fitzgibbon, Peterson, Goodman, Young, Vick, Ormsby, Springer, Stonier, Santos, Macri and Harris-Talley

AN ACT Relating to residential marijuana agriculture; amending RCW 69.50.4013, 69.50.505, and 69.50.101; reenacting and amending RCW 69.50.101; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1020 by Representatives Klippert, Walsh, Boehnke, Eslick, Caldier, Young, Graham, Kirby, Barkis and Schmick

AN ACT Relating to the emergency powers of the governor; amending RCW 43.06.220; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1021 by Representatives MacEwen, Eslick, Young and Graham

AN ACT Relating to relief of benefit charges when discharge is a result of a gubernatorial declaration of emergency or related executive order; amending RCW 50.29.100 and 50.16.100; creating a new section; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1022 by Representatives MacEwen, Kloba, Peterson, Kirby and Schmick

AN ACT Relating to Washington state horse racing commission provisions; and amending RCW 67.16.100.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1023 by Representatives Steele, Tharinger, Callan and Young

AN ACT Relating to predesign requirements and thresholds; amending RCW 43.88.110, 43.82.035, and 43.88.0301; and creating a new section.

Referred to Committee on Ways & Means.

HB 1024 by Representatives Springer, Cody, Ortiz-Self and Gregerson

AN ACT Relating to sunshine committee recommendations regarding juveniles; amending RCW 7.69A.020, 7.69A.030, 10.97.130, 13.50.050, and 42.56.240; and reenacting and amending RCW 42.56.230.

Referred to Committee on State Government & Tribal Relations.

HB 1025 by Representatives Wicks, Eslick, Shewmake, Duerr, Ramel, Senn, Ortiz-Self, Ryu, Goehner, Jacobsen and Pollet

AN ACT Relating to local parks funding options; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1026 by Representatives Walen, Valdez, Leavitt, Hackney, Kirby, Santos and Macri

AN ACT Relating to the restoration of the right to possess a firearm; amending RCW 9.41.040 and 9.41.047; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1027 by Representatives Walsh and Young

AN ACT Relating to reducing the administrative cost of state government during the 2021-2023 fiscal biennium; amending RCW 41.06.070, 41.06.500, and 43.03.030; reenacting and amending RCW 41.06.133; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1028 by Representatives Bergquist, McCaslin, Dolan, Stonier and Pollet

AN ACT Relating to evaluation and recommendation of candidates for residency teacher certification; amending RCW 28A.410.270 and 28A.410.2211; adding a new section to chapter 28A.410 RCW; creating a new section; repealing RCW 28A.410.280; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1029 by Representatives Walsh, Klippert, Boehnke, Eslick, Young, Graham, Kraft, Barkis and Sutherland

AN ACT Relating to orders and rules during a state of emergency; amending RCW 43.06.210, 43.06.220, 4.12.020, 34.05.350, 43.70.130, and 70.05.070; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1030 by Representatives Dent, Springer, Boehnke, Eslick, Callan and Slatter

AN ACT Relating to a community aviation revitalization loan program; amending RCW 43.79A.040 and 47.68.020; reenacting and amending 2019 c 413 s 7037 (uncodified); adding new sections to chapter 47.68 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1031 by Representatives Walen, Valdez, Leavitt, Ortiz-Self, Springer, Stonier and Santos

AN ACT Relating to the government issuance of a certificate of birth resulting in stillbirth; amending RCW 70.58A.530; creating a new section; and providing an effective date.

Referred to Committee on Health & Long Term Care.

HB 1032 by Representatives Harris, Stonier, Dolan, Boehnke, Leavitt, Ortiz-Self, Callan, Riccelli, Santos and Bergquist

AN ACT Relating to early retirement options for members of the teachers' retirement system and school employees' retirement system plans 2 and 3; amending RCW 41.32.765, 41.32.875, 41.35.420, and 41.35.680; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1033 by Representatives Leavitt, Boehnke, Bronoske, Santos, Paul and Orwall

AN ACT Relating to the Washington customized employment training program; and amending RCW 82.04.449.

Referred to Committee on Finance.

HB 1034 by Representatives Fitzgibbon, Cody, Ortiz-Self and Wylie

AN ACT Relating to park and recreation district levies; amending RCW 36.69.145, 84.52.010, and 84.52.043; and creating a new section.

Referred to Committee on Ways & Means.

HB 1035 by Representatives Kloba, Ryu, Ortiz-Self, Duerr, Wylie, Tharinger, Ramel, Gregerson, Valdez, Hackney, Callan, Santos, Pollet and Harris-Talley

AN ACT Relating to providing local governments with options to grant rent relief and preserve affordable housing in their communities; adding a new chapter to Title 84 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1036 by Representatives Fitzgibbon, Slatter, Ortiz-Self, Berry, Ryu, Kloba, Bateman, Lekanoff, Duerr, Chopp, Wylie, Ramos, Tharinger, Ramel, Senn, Peterson, Gregerson, Goodman, Valdez, Callan, Hackney, Riccelli, Pollet, Frame, Santos, Macri, Orwall, Davis and Bergquist

AN ACT Relating to reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel; amending RCW 46.25.100, 46.20.202, 46.25.052, 46.25.060, 70A.15.3150, 70A.15.3160, 19.112.110, and 19.112.120; adding a new chapter to Title 70A RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1037 by Representatives Kirby and Vick

AN ACT Relating to insurance adjusters; and amending RCW 48.17.010, 48.17.150, 48.17.410, and 48.17.420.

Referred to Committee on Consumer Protection & Business.

HB 1038 by Representatives Walen, Leavitt, Ortiz-Self, Wylie, Valdez, Hackney and Macri

AN ACT Relating to prohibiting the possession of firearms by persons convicted of certain criminal offenses; and amending RCW 9.41.040, 9.41.042, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, 70.02.230, and 70.02.240.

Referred to Committee on Civil Rights & Judiciary.

HB 1039 by Representatives McCaslin and Kloba

AN ACT Relating to reporting on, updating, and expanding deployment of existing government programs that provide education on bicycle and pedestrian travel; amending RCW 43.43.390, 43.70.410, and 47.04.300; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1040 by Representatives Dolan, Bateman, Ortiz-Self, Lekanoff, Harris, Goodman, Callan, Santos, Bergquist and Pollet

AN ACT Relating to health care coverage for retired or disabled school employees; adding a new section to chapter 41.05 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1041 by Representatives Springer, Cody, Ortiz-Self, Gregerson, Frame and Jacobsen

AN ACT Relating to sunshine committee recommendations regarding juveniles; amending RCW 7.69A.020, 7.69A.030, 10.97.130, 13.50.050, and 42.56.240; and reenacting and amending RCW 42.56.230.

Referred to Committee on State Government & Tribal Relations.

HB 1042 by Representatives Thai, Walen, Ortiz-Self, Lekanoff, Gregerson, Callan, Frame, Santos and Macri

AN ACT Relating to revising the international application of the uniform child custody jurisdiction and enforcement act to protect families from facing the death penalty in certain foreign jurisdictions on the basis of religious beliefs, political beliefs, or sexual orientation; amending RCW 26.27.051; creating a new section; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1043 by Representatives Leavitt, Rude, Dufault, Kloba, Ryu, Ortiz-Self, Dolan, Wylie, Harris, Simmons, Goodman, Bronoske, Kirby and MacEwen

AN ACT Relating to the audiology and speech-language pathology interstate compact; adding a new chapter to Title 18 RCW; and providing a contingent effective date.

Referred to Committee on Health Care & Wellness.

HB 1044 by Representatives Leavitt, Simmons, J. Johnson, Eslick, Lovick, Kloba, Lekanoff, Wylie, Bateman, Senn, Goodman, Bronoske, Valdez, Callan, Ramos, Hackney, Morgan, Ormsby, Fey, Frame, Santos, Davis, Pollet and Bergquist

AN ACT Relating to creating prison to postsecondary education pathways; amending RCW 72.09.270, 72.09.460, 72.09.465, 72.68.010, and 28B.15.067; amending 2019 c 397 s 1 (uncodified); adding a new section to chapter 72.68 RCW; adding a new section to

chapter 72.09 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1045 by Representatives Lovick, Wicks, Ryu, Kloba, Ortiz-Self and Tharinger

AN ACT Relating to calculating the provider rate for certain community residential services; adding a new section to chapter 71A.12 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1046 by Representatives Bateman, Duerr, Leavitt, Shewmake, Kloba, Fitzgibbon, Dolan, Ramos, Ramel, Gregerson, Goodman, Ryu, Callan, Paul, Morgan, Riccelli, Pollet, Santos, Macri, Davis and Harris-Talley

AN ACT Relating to community solar programs; amending RCW 80.28.370 and 80.28.375; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Environment & Energy.

HB 1047 by Representatives Wicks, Orwall, Leavitt, Simmons, Kloba, Ortiz-Self, Bateman, Wylie, Gregerson, Goodman, Bronoske, Valdez, Callan, Riccelli, Frame, Rule, Davis, Bergquist and Pollet

AN ACT Relating to requiring coverage for hearing instruments for children and adolescents; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1048 by Representatives Wicks, Thai and Gregerson

AN ACT Relating to the removal of specific religious references regarding the criminal mistreatment of children and vulnerable adults from a statute; amending RCW 9A.42.005 and 26.44.020; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1049 by Representatives Kirby, Vick, Kloba, Leavitt, Ryu, Morgan, Ramel, Springer and Stokesbary

AN ACT Relating to the off-site delivery of a vehicle by a vehicle dealer licensed under chapter 46.70 RCW; and amending RCW 19.118.031, 63.14.040, 63.14.154, and 46.70.023.

Referred to Committee on Transportation.

HB 1050 by Representatives Fitzgibbon, Ortiz-Self, Leavitt, Duerr, Chopp, Ramel, Peterson, Goodman, Ryu, Callan, Ramos, Ormsby, Pollet, Stonier, Fey, Macri and Bergquist

AN ACT Relating to reducing greenhouse gas emissions from fluorinated gases; amending RCW 70A.15.6410, 70A.15.6420, 70A.15.6430, 70A.45.080, 19.27.580, 70A.15.3150, 70A.15.3160, 19.285.040, 19.27A.220, and 39.26.310; reenacting and amending RCW 70A.45.010; adding a new chapter to Title 70A RCW; creating a new section; and recodifying RCW 70A.45.080, 70A.15.6410, 70A.15.6420, and 70A.15.6430.

Referred to Committee on Appropriations.

HB 1051 by Representatives Pollet, Leavitt, Shewmake, Kloba, Ryu, Chopp, Fitzgibbon, Ortiz-Self, Goodman, Valdez, Lovick, Frame, Santos, Macri, Stokesbary and Bergquist

AN ACT Relating to adding a faculty member to the board of regents at the research universities; and amending RCW 28B.20.100 and 28B.30.100.

Referred to Committee on College & Workforce Development.

HB 1052 by Representatives Bateman, Cody, Kloba and Macri

AN ACT Relating to group insurance contract performance standards; adding a new section to chapter 48.30 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1053 by Representatives Peterson, Dye, Kloba and Ortiz-Self

AN ACT Relating to delaying the implementation of restrictions on carryout bags; amending RCW 70A.530.020, 70A.530.040, and 70A.530.060; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1054 by Representatives J. Johnson, Entenman, Dolan, Ryu, Berry, Simmons, Bateman, Kloba, Lekanoff, Duerr, Fitzgibbon, Slatter, Wylie, Ramos, Berg, Tharinger, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Valdez, Callan, Hackney, Morgan, Chopp, Cody, Ormsby, Taylor, Frame, Santos, Macri, Davis, Pollet, Bergquist and Harris-Talley

AN ACT Relating to establishing requirements for tactics and equipment used by peace officers; amending RCW 10.31.040, 43.101.225, and 43.101.226; adding a new section to chapter 43.101 RCW; and adding a new chapter to Title 10 RCW.

Referred to Committee on Public Safety.

HB 1055 by Representatives Berg, Abbarno, Shewmake, Walen, Orcutt, Ramos, Tharinger and Callan

AN ACT Relating to extending the expiration date for reporting requirements on timber purchases; amending RCW 84.33.088; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1056 by Representatives Pollet, Goehner, Kloba, Lekanoff, Leavitt, Senn, Callan and Fey

AN ACT Relating to open public meeting notice requirements and declared emergencies; amending RCW 42.30.040, 42.30.050, 42.30.070, 42.30.077, 42.30.080, and 42.30.090; adding a new section to chapter 42.30 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

HB 1057 by Representatives Pollet, Valdez, Fitzgibbon, Ryu, Ramel and Duerr

AN ACT Relating to clarifying the meaning of the term "enjoyment of life and property" within the clean air act; amending RCW 70A.15.1030; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1058 by Representatives Bateman, Ryu, Wylie, Tharinger, Goodman, Senn, Fitzgibbon, Pollet, Macri, J. Johnson and Bergquist

AN ACT Relating to modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action; amending RCW 82.14.525; and creating a new section.

Referred to Committee on Finance.

HB 1059 by Representatives Fitzgibbon, Cody, Kloba and Pollet

AN ACT Relating to fireworks prohibitions adopted by cities or counties; and amending RCW 70.77.250 and 70.77.395.

Referred to Committee on Local Government.

HB 1060 by Representatives Dent, Dufault, Caldier, Corry, Young, Graham, Rude, Jacobsen and Schmick

AN ACT Relating to requiring legislative approval to extend a gubernatorial proclamation of a state of emergency; and amending RCW 43.06.210.

Referred to Committee on State Government & Tribal Relations.

HB 1061 by Representatives Senn, Dent, Leavitt, Wicks, Slatter, Wylie, Simmons, Kloba, Ortiz-Self, Gregerson, Callan, Young, Morgan, Frame, Santos, Rule and Davis

AN ACT Relating to youth eligible for developmental disability services who are expected to exit the child welfare system; amending RCW 74.13.341; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1062 by Representatives Kirby, Vick, Corry and Ryu

AN ACT Relating to the creation of a limited spirits retail license; amending RCW 66.24.055; and adding new sections to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 1063 by Representatives Harris, Cody, Bateman, Kloba, Ortiz-Self, Leavitt, Slatter, Tharinger, Callan, Riccelli, Macri, Rule, Davis and Pollet

AN ACT Relating to allowing additional renewals for behavioral health professional trainee and associate credentials; amending RCW 18.205.095 and 18.225.145; and declaring an emergency.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

HB 1064 by Representatives Eslick, Kloba, Leavitt, Wylie, Gregerson, Ryu, Young, Robertson, Kirby and Fey

AN ACT Relating to disclosing the availability of high-speed internet access; and amending RCW 64.06.020.

Referred to Committee on Consumer Protection & Business.

HB 1065 by Representatives Eslick and Young

AN ACT Relating to epidemic or pandemic vaccines, including vaccines used to prevent SARS-CoV-2 or COVID-19; adding new sections to chapter 70.54 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1066 by Representatives Stonier, Harris, Ortiz-Self, Dolan, Wylie and Callan

AN ACT Relating to the powers and duties of educational service district boards; and amending RCW 28A.310.200.

Referred to Committee on Education.

HB 1067 by Representatives Morgan, Ybarra, Shewmake, Gregerson, Kirby and Ormsby

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

Referred to Committee on State Government & Tribal Relations.

HB 1068 by Representatives Dolan, Valdez, Kloba, Gregerson and Wylie

AN ACT Relating to exempting election security information from public records disclosure; amending RCW 42.56.420; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1069 by Representatives Pollet, Duerr, Leavitt, Wylie, Tharinger, Kloba, Senn, Ryu, Callan and Fey

AN ACT Relating to local government fiscal flexibility; amending RCW 82.14.310, 82.14.320, 82.14.330, 82.14.340, 82.14.450, 67.28.180, 67.28.1816, 82.04.050, 82.04.050, 82.46.010, 82.46.015, 82.46.035, 82.46.037, 84.55.050, 35.21.290, and 35.67.210; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1070 by Representatives Ryu, Macri, Walen, Chopp, Santos, Fitzgibbon, Ramel, Wylie, Ramos, Bateman, Tharinger, Simmons, Kloba, Peterson, Gregerson, Goodman, Sells, Bronoske, Valdez, Callan, Hackney, Cody, Ormsby, Riccelli, Springer, Fey, Davis, Pollet and Harris-Talley

AN ACT Relating to modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities; amending RCW 82.14.530 and 67.28.180; and declaring an emergency.

Referred to Committee on Finance.

HB 1071 by Representatives Valdez, Lekanoff, Leavitt, Fitzgibbon, Kloba, Ramel, Senn, Ortiz-Self, Gregerson, Goodman, Ryu, Ormsby, Santos, Macri, J. Johnson, Davis, Pollet and Bergquist

AN ACT Relating to bias-based criminal offenses; and amending RCW 9.94A.411 and 9.94A.535.

Referred to Committee on Public Safety.

HB 1072 by Representatives Lekanoff, Valdez, Wylie, Simmons, Kloba, Gregerson, Santos, Macri and Pollet

AN ACT Relating to removing only one of the restrictions on the use of civil legal aid funds; and amending RCW 2.53.030.

Referred to Committee on Law & Justice.

HB 1073 by Representatives Berry, Wicks, Fitzgibbon, Bateman, Tharinger, Simmons, Kloba, Ramel, Ortiz-Self, Goodman, Ryu, Bronoske, Hackney, Chopp, Riccelli, Stonier, Frame, Macri, Davis, Pollet, Bergquist and Harris-Talley

AN ACT Relating to expanding coverage of the paid family and medical leave program; amending RCW 50A.05.010, 50A.15.010, 50A.35.010, and 50A.35.020.

Referred to Committee on Appropriations.

HB 1074 by Representatives Peterson, Rude, Leavitt, Wylie, Kloba, Ortiz-Self, Callan, Riccelli, Davis and Pollet

AN ACT Relating to overdose and suicide fatality reviews; and adding a new section to chapter 70.05 RCW.

Referred to Committee on Health Care & Wellness.

HB 1075 by Representatives Berry, Fitzgibbon, Leavitt, Ramel, Peterson, Kloba, Chopp, Ormsby, Pollet, Santos and Macri

AN ACT Relating to reducing emissions from vehicles associated with on-demand transportation services; amending RCW 70A.25.010 and 70A.15.1010; adding new sections to chapter 70A.25 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1076 by Representatives Hansen, Fitzgibbon, Berry, Dolan, J. Johnson, Ramos, Simmons, Ramel, Ortiz-Self, Gregerson, Ryu, Bronoske, Valdez, Callan, Kloba, Hackney, Chopp, Ormsby, Stonier, Frame, Santos, Macri, Pollet and Harris-Talley

AN ACT Relating to allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections; and adding a new chapter to Title 49 RCW.

Referred to Committee on Appropriations.

HB 1077 by Representatives J. Johnson and Gregerson

AN ACT Relating to Federal Way school district regionalization; and amending 2020 c 357 s 504 (uncodified).

Referred to Committee on Appropriations.

HB 1078 by Representatives Simmons, Young, Dolan, Berry, Fitzgibbon, J. Johnson, Wicks, Chopp, Wylie, Bateman, Ramos, Berg, Shewmake, Tharinger, Ramel, Ortiz-Self, Peterson, Gregerson, Walen, Goodman, Senn, Sells, Ryu, Valdez, Callan, Hackney, Morgan, Ormsby, Pollet, Riccelli, Taylor, Springer, Stonier, Lekanoff, Frame, Santos, Jacobsen, Macri, Davis, Bergquist and Harris-Talley

AN ACT Relating to restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections; amending RCW 29A.08.520, 29A.08.230, 29A.40.091, 10.64.140, 2.36.010, and 72.09.275; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1079 by Representatives Dolan, Walen, Dufault, Corry, Chapman, Ybarra, Harris, Springer, Graham, Lovick, Stokesbury and Sullivan

AN ACT Relating to the time frame for establishing charter schools; and amending RCW 28A.710.150.

Referred to Committee on Education.

HB 1080 by Representatives Tharinger, Leavitt, Wylie, Callan and Hackney

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.19.501, 28B.15.210, 28B.15.310, 28B.20.725, 28B.30.750, 28B.35.370, 28B.50.360, 28B.77.070, 43.88D.010, and 43.185.050; amending 2020 c 356 ss 6002, 1002, 1003, 1006, 1013, 1009, 1022, 1027, 5002, and 5011, and 2019 c 413 ss 1007, 1010, 1014, 1058, 1060, 1074, 1079, 1077, 2088, 2089, 3020, 3091, 3217, 3235, 4004, and 5011 (uncodified); reenacting and amending RCW 43.155.050; creating new sections; repealing 2019 c 413 s 1059 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1081 by Representatives Tharinger, Wylie, Callan and Hackney

AN ACT Relating to state general obligation bonds and related accounts; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1082 by Representatives Goodman, J. Johnson, Berry, Leavitt, Fitzgibbon, Slatter, Wylie, Ramos, Bateman, Dolan, Tharinger, Simmons, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Hackney, Chopp, Lovick, Duerr, Ormsby, Lekanoff, Santos, Macri, Frame, Davis, Bergquist, Pollet and Harris-Talley

AN ACT Relating to state oversight and accountability of peace officers and corrections officers; amending RCW 43.101.010, 43.101.020, 43.101.030, 43.101.040, 43.101.060, 43.101.080, 43.101.085, 43.101.095, 43.101.105, 43.101.115, 43.101.135, 43.101.145, 43.101.155, 43.101.157, 43.101.230, 43.101.390, 43.101.420, 34.12.035, 40.14.070, 43.101.380, and 43.101.400; creating a new section; repealing RCW 43.101.096, 43.101.106, 43.101.116, 43.101.136, 43.101.146, 43.101.156, and 43.101.180; and prescribing penalties.

Referred to Committee on Public Safety.

HB 1083 by Representatives Gregerson, Peterson, Wylie, Bateman, Tharinger, Ramel, Ortiz-Self, Valdez, Kloba, Morgan, Chopp, Ormsby, Santos, Macri, Orwall, Bergquist, Pollet and Harris-Talley

AN ACT Relating to relocation assistance for tenants of closed or converted manufactured/mobile home parks; and amending RCW 59.21.005 and 59.21.021.

Referred to Committee on Appropriations.

HB 1084 by Representatives Ramel, Slatter, J. Johnson, Duerr, Fitzgibbon, Dolan, Chopp, Wylie, Bateman, Ramos, Berry, Ortiz-Self, Gregerson, Goodman, Ryu, Valdez, Callan, Kloba, Ormsby, Stonier, Fey, Macri, Peterson, Pollet, Bergquist and Harris-Talley

AN ACT Relating to reducing statewide greenhouse gas emissions by achieving greater decarbonization of residential and commercial buildings; amending RCW 19.27A.160, 19.27A.015, 19.27A.020, 19.27A.200, 80.28.074, 80.28.110, 80.28.190, 80.28.005, 43.21F.055, 35.92.430, and 54.16.390; amending 2007 c 349 ss 1 and 3 (uncodified); adding a new section to chapter 19.27A RCW; adding new sections to chapter 80.28 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 43.330 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1085 by Representatives Kloba, Vick, Volz, Leavitt, Ramel, Hoff, Graham, Chopp, Lovick, Stokesbary and Pollet

AN ACT Relating to promoting a safe learning environment for students with seizure disorders; amending RCW 28A.210.260 and 28A.210.350; adding a new section to chapter 28A.210 RCW; and adding a new section to chapter 28A.235 RCW.

Referred to Committee on Education.

HB 1086 by Representatives Simmons, Caldier, Bateman, Ortiz-Self, Shewmake, Ryu, Chopp, Cody, Goodman, Fey, Stonier, Macri, Fitzgibbon, Frame and Davis

AN ACT Relating to the creation of the state office of behavioral health consumer advocacy; amending RCW 71.24.045 and 71.24.380; adding a new chapter to Title 71 RCW; repealing RCW 71.24.350; and providing an effective date.

Referred to Committee on Appropriations.

HB 1087 by Representatives Berry, Wicks, Simmons, Kloba, Hackney, Santos, Macri and Sullivan

AN ACT Relating to clarifying the continuity of employee family and medical leave rights; adding a new section to chapter 50A.05 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1088 by Representatives Lovick, Goodman, Fitzgibbon, J. Johnson, Slatter, Wylie, Ramos, Bateman, Berry, Dolan, Tharinger, Simmons, Ryu, Ramel, Shewmake, Leavitt, Senn, Peterson, Gregerson, Valdez, Callan, Chopp, Duerr, Ormsby, Taylor, Lekanoff, Santos, Macri, Frame, Orwall, Berg, Pollet and Harris-Talley

AN ACT Relating to potential impeachment disclosures; and adding a new section to chapter 10.93 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1089 by Representatives Ramos, Goodman, Leavitt, Slatter, Wylie, Bateman, Berry, Dolan, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Hackney, Chopp, Duerr, Ormsby, Taylor, Bronoske, Fey, Lekanoff, Santos, Macri, J. Johnson, Frame, Orwall and Pollet

AN ACT Relating to compliance audits of requirements relating to peace officers and law enforcement agencies; and adding new sections to chapter 43.101 RCW.

Referred to Committee on Appropriations.

HB 1090 by Representatives Ortiz-Self, Fey, Fitzgibbon, J. Johnson, Ramos, Tharinger, Simmons, Ramel,

Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Young, Hackney, Chopp, Lovick, Ormsby, Stonier, Frame, Santos, Macri, Orwall, Davis, Pollet and Harris-Talley

AN ACT Relating to private, for-profit detention facilities; adding a new chapter to Title 70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1091 by Representatives Fitzgibbon, Slatter, Berry, Dolan, Bateman, Ramos, Simmons, Ramel, Senn, Peterson, Duerr, Ryu, Valdez, Callan, Kloba, Chopp, Ormsby, Frame, Macri, Pollet, Goodman and Bergquist

AN ACT Relating to reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel; amending RCW 46.25.100, 46.20.202, 46.25.052, 46.25.060, 70A.15.3150, 70A.15.3160, 19.112.110, and 19.112.120; adding a new chapter to Title 70A RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Transportation.

HB 1092 by Representatives Lovick, Goodman, Berry, Leavitt, Fitzgibbon, J. Johnson, Slatter, Wylie, Bateman, Ramos, Berg, Sells, Dolan, Tharinger, Simmons, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Ryu, Bronoske, Valdez, Callan, Kloba, Hackney, Chopp, Duerr, Ormsby, Taylor, Lekanoff, Frame, Santos, Macri, Orwall, Davis, Pollet, Bergquist and Harris-Talley

AN ACT Relating to requiring reporting, collecting, and publishing information regarding law enforcement interactions with the communities they serve; adding new sections to chapter 10.114 RCW; creating a new section; providing effective dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1093 by Representatives Ormsby, Gregerson, Bergquist and Macri

AN ACT Relating to fiscal matters; amending RCW 43.88.585; amending 2020 c 357 ss 101, 102, 103, 104, 105, 107, 108, 113, 115, 116, 117, 118, 119, 120, 121, 122, 125, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 505, 506, 507, 509, 510, 511, 513, 514, 515, 516, 517, 518, 519, 520, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 617, 612, 613, 614, 615, 616, 701, 702, 703, 704, 706, 707, 801, 804, and 907, and 2019 c 406 s 4

(uncodified); adding new sections to 2020 c 357 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1094 by Representatives Ormsby, Gregerson, Macri and Bergquist

AN ACT Relating to fiscal matters; amending RCW 15.76.115, 41.45.230, 43.08.190, 43.79.195, 43.88.058, 43.99N.060, 43.185C.060, 43.320.110, 46.09.520, 70A.305.180, 79.105.150, 79A.25.210, and 86.26.007; amending 2020 c 127 s 14 (uncodified); reenacting and amending RCW 43.155.050 and 69.50.540; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1095 by Representatives Walen, Boehnke, Ryu, Leavitt, Corry, Wicks, Tharinger, Ortiz-Self, Callan, Graham, Fey, Frame, Stokesbary, Orwall, Rule, Bergquist and Pollet

AN ACT Relating to the taxation of governmental financial assistance programs addressing the impacts of conditions giving rise to a gubernatorial or presidential emergency proclamation by creating state business and occupation tax and state public utility tax exemptions, a sales and use tax exemption for the receipt of such financial assistance, and clarifying the sales and use tax obligations for goods and services purchased by recipients of such financial assistance; amending RCW 82.04.050; amending 2020 c 80 s 62 (uncodified); adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.08 RCW; creating a new section; repealing 2020 c 80 s 58; and declaring an emergency.

Referred to Committee on Finance.

HB 1096 by Representatives Schmick, Cody, Leavitt, Ortiz-Self, Riccelli and Macri

AN ACT Relating to nonmedicare plans offered through the Washington state health insurance pool; and amending RCW 48.41.100 and 48.41.160.

Referred to Committee on Ways & Means.

HB 1097 by Representatives Sells, Bateman, Ortiz-Self, Kloba, Chopp, Ormsby, Stonier and Macri

AN ACT Relating to increasing worker protections; amending RCW 49.17.130, 49.17.140, 49.17.160, and 49.17.180; adding a new section to chapter 51.04 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

HB 1098 by Representatives Sells, Leavitt, Bateman, Ortiz-Self, Kloba, Rule and Macri

AN ACT Relating to unemployment insurance; amending RCW 28B.50.030, 50.04.323, 50.16.030, 50.20.010, 50.20.020, 50.20.100, 50.20.118, 50.20.120, 50.20.140, 50.24.014, 50.29.021, 50.29.026, 50.29.027, 50.29.041, 50.29.062, 50.29.063, 50.44.060, 50.60.020, and 50.60.110; reenacting and amending RCW 50.20.050 and 50.29.025; adding new sections to chapter 50.04 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 50.60 RCW; creating a new section; repealing RCW 50.20.1201 and 50.20.1202; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1099 by Representatives Duerr, Fitzgibbon, Dolan, Bateman, Ramel, Gregerson, Goodman, Ryu, Kloba, Chopp, Ormsby, Pollet, Fey, Santos and Davis

AN ACT Relating to improving the state's climate response through updates to the state's comprehensive planning framework; amending RCW 36.70A.020, 36.70A.480, 36.70A.320, 36.70A.190, 36.70A.100, and 47.80.030; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; adding a new section to chapter 70A.45 RCW; adding a new section to chapter 47.80 RCW; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Appropriations.

HB 1100 by Representatives Duerr, Kloba, Bateman, Ramel, Ortiz-Self, Gregerson, Valdez, Macri and Chopp

AN ACT Relating to the sale or lease of manufactured/mobile home communities and the property on which they sit; amending RCW 59.20.300 and 59.20.305; reenacting and amending RCW 59.20.030; adding new sections to chapter 59.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1101 by Representatives Walsh, Corry, Graham, Dent, Caldier and Harris-Talley

AN ACT Relating to creating a grant program for converting unused public buildings to housing for homeless persons; amending RCW 43.63A.510; adding a new section to chapter 43.185A RCW; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 1102 by Representatives Walsh, Shewmake and Dent

AN ACT Relating to establishing a state meat inspection program; adding a new chapter to Title 16 RCW; and prescribing penalties.

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

HB 1103 by Representatives Duerr, Shewmake, Fitzgibbon, Bateman, Ramel, Ryu, Kloba and Macri

AN ACT Relating to improving environmental and social outcomes with the production of building materials; adding a new chapter to Title 39 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1104 by Representatives Ryu and Kloba

AN ACT Relating to extending the operation of the mortgage lending fraud prosecution account until June 30, 2027; amending RCW 36.22.181 and 43.320.140; providing expiration dates; and declaring an emergency.

Referred to Committee on Business, Financial Services & Trade.

HB 1105 by Representatives Kloba, Simmons, Fitzgibbon, Dolan, Ortiz-Self, Goodman, Vick, Ormsby, Riccelli, Santos, Macri and Davis

AN ACT Relating to arrest protections for the medical use of cannabis; amending RCW 69.51A.040, 69.51A.055, and 69.51A.060; and repealing RCW 69.51A.043.

Referred to Committee on Law & Justice.

HB 1106 by Representatives MacEwen, Corry, Hoff and Schmick

AN ACT Relating to modifying the operation of motorcycles on roadways laned for traffic; amending RCW 46.61.608; creating new sections; and prescribing penalties.

Referred to Committee on Transportation.

HB 1107 by Representatives Chapman, Barkis, Corry, Tharinger and Graham

AN ACT Relating to expanding certain nonresident vessel permit provisions; amending RCW 88.02.620, 88.02.640, and 82.32.865; amending 2017 c 323 §§ 302 and 303 (uncodified); and providing expiration date.

Referred to Committee on Transportation.

HB 1108 by Representatives Orwall, Ortiz-Self, Kloba, Hackney, Chopp, Santos, Macri, Pollet and Harris-Talley

AN ACT Relating to maintaining funding and assistance for homeowners navigating the foreclosure process; amending RCW 61.24.166 and 61.24.173; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1109 by Representatives Orwall, Mosbrucker, Simmons, Goodman, Leavitt, Valdez, Kloba, Graham, Morgan, Caldier, Rule and Macri

AN ACT Relating to supporting victims of sexual assault; amending RCW 43.101.278 and 70.125.110; and adding a new section to chapter 5.70 RCW.

Referred to Committee on Public Safety.

HB 1110 by Representatives Riccelli, Ormsby, Bateman, Leavitt, Cody, Stonier, Frame, Macri and Pollet

AN ACT Relating to the composition of local boards of health; amending RCW 70.05.030, 70.05.035, 70.46.020, and 70.46.031; adding a new section to chapter 43.20 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1111 by Representatives Cody, Macri and Pollet

AN ACT Relating to investment income tax deductions; amending RCW 82.04.4281; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1112 by Representatives Dent, Chapman, Corry, Young and Graham

AN ACT Relating to expanding a use tax exemption for new Washington residents and nonresident members of the armed forces; amending RCW 82.12.0251; and creating new sections.

Referred to Committee on Finance.

HB 1113 by Representatives Ortiz-Self, Kloba and Pollet

AN ACT Relating to school attendance; amending RCW 28A.225.015, 28A.225.018, 28A.225.020, 28A.225.025, 28A.225.026, 28A.225.030, 28A.225.035, 28A.225.151, 28A.225.027, 28A.225.0261, 28A.225.005, 28A.225.010, 28A.225.023, 28A.225.031, 28A.225.060, 28A.225.080, 28A.225.090, 28A.225.170, 28A.225.200, 28A.225.215, 28A.225.220, 28A.225.225, 28A.225.260, 28A.225.270, 28A.225.310, 28A.225.330, and 28A.225.350;

reenacting and amending RCW 28A.225.290; adding a new section to chapter 28A.225 RCW; and creating a new section.

Referred to Committee on Education.

HB 1114 by Representatives Dye and Ramel

AN ACT Relating to encouraging utility mitigation of urban heat island effects; amending RCW 35.92.355, 35.92.390, 54.16.400, 80.28.260, and 80.28.300; adding a new section to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1115 by Representatives Fey, Wylie, Bronoske and Ramos

AN ACT Relating to implementing cost recovery of state agency credit card and transaction fees and related costs for driver and vehicle fee transactions; adding new sections to chapter 46.01 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1116 by Representative Wylie

AN ACT Relating to providing small winery tax relief; reenacting and amending RCW 66.24.210; and creating a new section.

Referred to Committee on Finance.

HB 1117 by Representatives Lekanoff, Fitzgibbon, Bateman, Simmons, Ramel, Peterson, Goodman, Ryu, Kloba, Chopp, Pollet, Macri and Davis

AN ACT Relating to promoting salmon recovery through revisions to the state's comprehensive planning framework; amending RCW 36.70A.030, 36.70A.020, 36.70A.060, and 90.74.020; reenacting and amending RCW 36.70A.070; adding a new section to chapter 36.70A RCW; adding a new section to chapter 90.58 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1118 by Representatives Berry, Fitzgibbon, Bateman, Senn, Peterson, Gregerson, Ryu, Kloba, Macri and Pollet

AN ACT Relating to the management of certain materials to support recycling and waste and litter reduction; amending RCW 43.21B.300, 70A.205.005, 70A.205.010, 70A.205.115, 70A.205.045, 70A.205.070, 81.77.030, 81.77.160, 81.77.185, and 81.80.470; reenacting and amending RCW 43.21B.110; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1119 by Representatives Jacobsen, Simmons, Young, Graham, Pollet, Leavitt, Dolan and Rule

AN ACT Relating to notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education; and amending RCW 28B.10.590.

Referred to Committee on Ways & Means.

HB 1120 by Representatives Tharinger, Harris, Cody, Riccelli, Stonier and Macri

AN ACT Relating to state of emergency operations impacting long-term services and supports; amending RCW 43.43.832, 43.43.837, 74.39A.056, 18.51.091, 18.51.230, 74.42.360, 74.39A.074, 74.39A.076, 74.39A.341, 18.88B.021, 70.128.230, 18.20.270, 70.128.070, 70.97.160, 18.20.110, 18.79.260, 18.88A.030, and 18.88A.087; reenacting and amending RCW 18.79.260; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1121 by Representatives Santos, Ybarra, Ortiz-Self, Gregerson, Paul, Stonier, Pollet, Bergquist and Harris-Talley

AN ACT Relating to the waiver of certain high school graduation requirements in times of emergency; amending RCW 28A.655.250; adding a new section to chapter 28A.230 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

HB 1122 by Representatives Lovick, Klippert, Ryu, Goodman, MacEwen and Orwall

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

Referred to Committee on State Government & Elections.

HB 1123 by Representative Cody

AN ACT Relating to the authority of the nursing care quality assurance commission; adding a new section to chapter 18.79 RCW; and repealing RCW 18.79.390 and 18.79.410.

Referred to Committee on Health Care & Wellness.

HB 1124 by Representative Cody

AN ACT Relating to nurse delegation of glucose monitoring, glucose testing, and insulin injections; amending RCW 18.79.260; reenacting and amending RCW 18.79.260; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1125 by Representatives Shewmake, Fitzgibbon, Ryu, Leavitt, Valdez, Fey, Macri and Pollet

AN ACT Relating to incentivizing investment in energy conservation and efficiency measures and expanding opportunities for energy rate discounts to, among other objectives, reduce the energy burden of low-income customers and vulnerable populations; amending RCW 80.28.068; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Environment & Energy.

HB 1126 by Representatives Goodman, Simmons, Ormsby and Davis

AN ACT Relating to limiting tolling of community custody terms; and amending RCW 9.94A.171.

Referred to Committee on Appropriations.

HB 1127 by Representatives Slatter, Boehnke, Valdez, Kloba, Graham, Macri and Pollet

AN ACT Relating to protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities; amending RCW 42.56.360; adding a new chapter to Title 70 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1128 by Representatives Ryu, Hackney, Wylie, Bateman, Berg, Simmons, Ramel, Gregerson, Valdez, Duerr, Lekanoff, Macri, Pollet and Harris-Talley

AN ACT Relating to housing benefit districts; amending RCW 36.70A.600, 82.14.410, 84.52.043, and 29A.36.210; adding a new section to chapter 82.14 RCW; and adding a new chapter to Title 36 RCW.

Referred to Committee on Finance.

HB 1129 by Representatives Valdez, Stonier, Ortiz-Self, Goodman, Cody, Santos and Macri

AN ACT Relating to the licensure of international medical graduates; and amending RCW 18.71.095.

Referred to Committee on Health Care & Wellness.

HB 1130 by Representatives Dye, Klicker, Young, Jacobsen and Schmick

AN ACT Relating to consumer affordability and reliability in energy supply; amending RCW 19.405.120; adding a new section to chapter 19.405 RCW; adding a new chapter to Title 80 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1131 by Representatives Rude and Callan

AN ACT Relating to the emergency waiver of instructional hours and days at private schools; amending RCW 28A.195.040 and 28A.195.010; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

HB 1132 by Representatives Kretz, Chapman, Dent and Springer

AN ACT Relating to the protection of water supply for farming and rural economic development; amending RCW 90.14.031, 90.14.140, 90.14.140, 90.14.160, 90.14.170, and 90.14.180; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

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

HB 1133 by Representatives Berry, Thai, Bateman, Ramel, Ortiz-Self, Peterson, Ryu, Valdez, Kloba, Hackney, Cody, Macri, Davis and Pollet

AN ACT Relating to reporting lost or stolen firearms; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1134 by Representatives Berry, Senn, Simmons, Ramel, Peterson, Ryu, Leavitt, Valdez, Kloba, Hackney, Cody, Santos, Macri, Davis and Pollet

AN ACT Relating to the disposition of forfeited firearms by the Washington state patrol; and amending RCW 9.41.098.

Referred to Committee on Civil Rights & Judiciary.

HB 1135 by Representatives Fey, Bronoske, Hackney and Ramos

AN ACT Relating to transportation funding and appropriations; amending RCW 43.19.642, 46.20.745, 46.68.060, 46.68.280, 46.68.325, 47.56.876, 46.68.370, 46.68.300, 47.60.322, 47.66.120, 46.68.290, 82.44.135, 46.68.395, 47.56.864, 47.56.165, 82.21.030, and

47.56.876; creating new sections; making appropriations and authorizing expenditures for capital improvements; providing contingent effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1136 by Representatives Fey, Wylie, Bronoske and Ramos

AN ACT Relating to transportation funding and appropriations; amending RCW 47.60.505; amending 2019 c 416 ss 101 and 106 (uncodified); amending 2020 c 219 ss 101, 102, 104, 201-205, 207-223, 301, 302, 304-310, 401-406, 601, and 602 (uncodified); adding a new section to 2019 c 416 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1137 by Representatives McCaslin, Young, Barkis, Schmick and Graham

AN ACT Relating to elevating road maintenance and preservation in transportation planning; amending RCW 47.04.280; and creating a new section.

Referred to Committee on Transportation.

HCR 4400 by Representative Sullivan

Adopting joint rules.

HCR 4401 by Representative Sullivan

Convening Joint Sessions of the Legislature for the purposes of canvassing the vote of Constitutional elective state officers as required by Article III, section 4 of the state Constitution and receiving the Inaugural Address of Governor Jay Inslee.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4400 and HOUSE CONCURRENT RESOLUTION NO. 4401 were read the first time, and under suspension of the rules, were placed on the third reading calendar.

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

THIRD READING

**HOUSE CONCURRENT RESOLUTION NO. 4400,
by Representative Sullivan**

Adopting joint rules.

The resolution was read the third time.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4400 was adopted.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4400 was immediately transmitted to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 4401,
by Representative Sullivan**

Convening Joint Sessions of the Legislature for the purposes of canvassing the vote of Constitutional elective state officers as required by Article III, section 4 of the state Constitution and receiving the Inaugural Address of Governor Jay Inslee.

The resolution was read the third time.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4401 was adopted.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4401 was immediately transmitted to the Senate.

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

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

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

ANNOUNCEMENTS

COMMITTEE APPOINTMENTS

The Speaker announced the following committee appointment(s):

Abbarno, Peter: **Capital Budget; Civil Rights & Judiciary; Environment & Energy

Barkis, Andrew: *Transportation; Housing, Human Services & Veterans

Bateman, Jessica: Health Care & Wellness, Vice Chair; Capital Budget; Housing, Human Services & Veterans

Berg, April: Finance, Vice Chair; Education; Local Government

Bergquist, Steve: Appropriations, Vice Chair; Education; Rules

Berry, Liz: Labor & Workplace Standards, Vice Chair; Environment & Energy; Transportation

Boehnke, Matt: *Community & Economic Development; Appropriations; Environment & Energy

Bronoske, Dan: Transportation, 2nd Vice Chair; Health Care & Wellness; Labor & Workplace Standards

Caldier, Michelle: *Housing, Human Services & Veterans; **Health Care & Wellness; Appropriations; Rules

Callan, Lisa: Capital Budget, Vice Chair; Children, Youth & Families; Education

Chambers, Kelly: *College & Workforce Development; **Appropriations; Commerce & Gaming

Chandler, Bruce: *Rural Development, Agriculture & Natural Resources; Appropriations; College & Workforce Development

Chapman, Mike: Rural Development, Agriculture & Natural Resources, Chair; Transportation

Chase, Rob: **Children, Youth & Families; **Community & Economic Development; Finance

Chopp, Frank: Appropriations; Finance; Housing, Human Services & Veterans

Cody, Eileen: Health Care & Wellness, Chair; Appropriations

Corry, Chris: **Appropriations; Community & Economic Development; Consumer Protection & Business

Davis, Lauren: Civil Rights & Judiciary; Health Care & Wellness; Public Safety; Rules

Dent, Tom: *Children, Youth & Families; **Rural Development, Agriculture & Natural Resources; Rules; Transportation

Dolan, Laurie: Education, Vice Chair; Appropriations; State Government & Tribal Relations

Duerr, Davina: Environment & Energy, Vice Chair; Local Government, Vice Chair; Transportation

Dufault, Jeremie: **Consumer Protection & Business; **Finance; Rules

Dye, Mary: *Environment & Energy; Appropriations; Capital Budget

Entenman, Debra: College & Workforce Development, Vice Chair; Civil Rights & Judiciary; Transportation

Eslick, Carolyn: **Transportation; Capital Budget; Children, Youth & Families

Fey, Jake: Transportation, Chair; Environment & Energy

Fitzgibbon, Joe: Environment & Energy, Chair; Appropriations; Rural Development, Agriculture & Natural Resources

Frame, Noel: Finance, Chair; Appropriations; Community & Economic Development

Gilday, Greg: **Civil Rights & Judiciary; **Housing, Human Services & Veterans; Capital Budget; Rules

Goehner, Keith: *Local Government; Environment & Energy; Transportation

Goodman, Roger: Public Safety, Chair; Children, Youth & Families; Civil Rights & Judiciary

Graham, Jenny: **Civil Rights & Judiciary; Public Safety; Rules; State Government & Tribal Relations

Gregerson, Mia: Appropriations, Vice Chair; Rules; State Government & Tribal Relations

Griffey, Dan: **Local Government; Public Safety; Transportation

Hackney, David: Capital Budget, Vice Chair; Public Safety; Transportation

Hansen, Drew: Civil Rights & Judiciary, Chair; Appropriations; College & Workforce Development

Harris, Paul: Appropriations; Health Care & Wellness; Labor & Workplace Standards; Rules

Harris-Talley, Kirsten: Children, Youth & Families, Vice Chair; Environment & Energy; Finance

Hoff, Larry: *Labor & Workplace Standards; Appropriations; College & Workforce Development

Jacobsen, Cyndy: **College & Workforce Development; Appropriations; Community & Economic Development; Rules

Jinkins, Laurie: Rules, Chair

Johnson, Jesse: Public Safety, Vice Chair; Appropriations; Community & Economic Development

Kirby, Steve: Consumer Protection & Business, Chair; Civil Rights & Judiciary; Commerce & Gaming

Klicker, Mark: **Environment & Energy; Rules; Rural Development, Agriculture & Natural Resources; Transportation

Klippert, Brad: **Public Safety; Children, Youth & Families; Civil Rights & Judiciary

Kloba, Shelley: Commerce & Gaming, Chair; Capital Budget; Rural Development, Agriculture & Natural Resources

Kraft, Vicki: Capital Budget; College & Workforce Development; Community & Economic Development

Kretz, Joel: Rules; Rural Development, Agriculture & Natural Resources

Leavitt, Mari: College & Workforce Development, Vice Chair; Capital Budget; Housing, Human Services & Veterans

Lekanoff, Debra: State Government & Tribal Relations, Vice Chair; Appropriations; Rural Development, Agriculture & Natural Resources

Lovick, John: Community & Economic Development; Public Safety; Rules; Transportation

MacEwen, Drew: *Commerce & Gaming; **Appropriations; Capital Budget

Macri, Nicole: Appropriations, Vice Chair; Health Care & Wellness

Maycumber, Jacquelin: Capital Budget; Health Care & Wellness

McCaslin, Bob: **Children, Youth & Families; Education; Transportation

McEntire, Joel: **Capital Budget; Education; Rural Development, Agriculture & Natural Resources

Morgan, Melanie: Commerce & Gaming; Finance; Rules; Rural Development, Agriculture & Natural Resources

Mosbrucker, Gina: *Public Safety; **Labor & Workplace Standards; Capital Budget

Orcutt, Ed: *Finance; Rural Development, Agriculture & Natural Resources; Transportation

Ormsby, Timm: Appropriations, Chair

Ortiz-Self, Lillian: Children, Youth & Families; Education; Labor & Workplace Standards; Rules

Orwall, Tina: Civil Rights & Judiciary; Finance; Public Safety; Rules

Paul, Dave: Community & Economic Development, Vice Chair; College & Workforce Development; Transportation

Peterson, Strom: Housing, Human Services & Veterans, Chair; Capital Budget; Civil Rights & Judiciary

Pollet, Gerry: Local Government, Chair; Appropriations; College & Workforce Development

Ramel, Alex: Environment & Energy; Finance; Rules; Transportation

Ramos, Bill: Transportation, 2nd Vice Chair; Public Safety; Rural Development, Agriculture & Natural Resources

Riccelli, Marcus: Capital Budget; Health Care & Wellness; Rules; Transportation

Robertson, Eric: **Commerce & Gaming; **Transportation; Local Government; Rules

Rude, Skyler: Appropriations; Education; Health Care & Wellness

Rule, Alicia: Children, Youth & Families, Vice Chair; Capital Budget; Community & Economic Development

Ryu, Cindy: Community & Economic Development, Chair; Appropriations; Consumer Protection & Business

Santos, Sharon Tomiko: Education, Chair; Capital Budget; Consumer Protection & Business

Schmick, Joe: *Health Care & Wellness; Appropriations; Rural Development, Agriculture & Natural Resources

Sells, Mike: Labor & Workplace Standards, Chair; Capital Budget; College & Workforce Development

Senn, Tana: Children, Youth & Families, Chair; Appropriations; Local Government

Shewmake, Sharon: Rural Development, Agriculture & Natural Resources, Vice Chair; Capital Budget; Environment & Energy

Simmons, Tarra: Civil Rights & Judiciary, Vice Chair; Health Care & Wellness; Public Safety; Rules

Slatter, Vandana: College & Workforce Development, Chair; Environment & Energy; Transportation

Springer, Larry: Appropriations; Finance; Rules; Rural Development, Agriculture & Natural Resources

Steele, Mike: *Capital Budget; Appropriations; Education

Stokesbary, Drew: *Appropriations; Finance

Stonier, Monica Jurado: Appropriations; Education; Health Care & Wellness; Rules

Sullivan, Pat: Appropriations; Rules

Sutherland, Robert: College & Workforce Development; Community & Economic Development; Transportation

Taylor, Jamila: Housing, Human Services & Veterans, Vice Chair; Community & Economic Development; Transportation

Thai, My-Linh: Civil Rights & Judiciary; Finance; Housing, Human Services & Veterans; Rules

Tharinger, Steve: Capital Budget, Chair; Appropriations; Health Care & Wellness

Valdez, Javier: State Government & Tribal Relations, Chair; Civil Rights & Judiciary; Transportation

Vick, Brandon: *Consumer Protection & Business; Commerce & Gaming; Finance

Volz, Mike: *State Government & Tribal Relations; **Transportation; Capital Budget

Walen, Amy: Consumer Protection & Business, Vice Chair; Finance, Vice Chair; Civil Rights & Judiciary; Rules

Walsh, Jim: *Civil Rights & Judiciary; **Education; **State Government & Tribal Relations; Transportation

Wicks, Emily: Commerce & Gaming, Vice Chair; Children, Youth & Families; Transportation

Wilcox, J.T.: Rules

Wylie, Sharon: Transportation, 1st Vice Chair; Commerce & Gaming; Finance

Ybarra, Alex: *Education; Civil Rights & Judiciary; Health Care & Wellness

Young, Jesse: Children, Youth & Families; Finance; Public Safety

*Ranking Minority Member

**Assistant Ranking Minority Member

There being no objection, the House adjourned until 9:55 a.m., January 12, 2021, the 2nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SECOND DAY

House Chamber, Olympia, Tuesday, January 12, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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.

MESSAGES FROM THE SENATE

January 11, 2021

Mme. SPEAKER:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 11, 2021

Mme. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8401,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 1138 by Representatives Bergquist, Paul, Lekanoff, Hackney, Goodman, Gregerson and Chambers

AN ACT Relating to ensuring price accuracy for tuition units in the guaranteed education tuition program; and amending RCW 28B.95.020 and 28B.95.030.

Referred to Committee on College & Workforce Development.

HB 1139 by Representatives Pollet, Callan, Berg, Dolan, Ryu, Leavitt, Bronoske, Ramel, Ramos, Lekanoff, Stonier, Ortiz-Self, Frame, Goodman, Rule, Bergquist, Berry, Wylie, J. Johnson, Taylor and Valdez

AN ACT Relating to taking action to address lead in school drinking water; adding a new section to chapter 28A.210 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 28A.195 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1140 by Representatives J. Johnson, Frame, Entenman, Sells, Taylor, Santos, Stonier, Ormsby, Lekanoff, Davis, Hackney, Macri, Callan, Chopp, Pollet, Ryu, Goodman, Berg, Ramos, Bergquist, Gregerson, Wicks, Peterson, Thai, Dolan, Bateman, Simmons, Fitzgibbon and Valdez

AN ACT Relating to juvenile access to attorneys when contacted by law enforcement; amending RCW 13.40.140, 2.70.020, and 13.40.020; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Appropriations.

HB 1141 by Representatives Rude, Macri, Stonier, Tharinger, Ormsby, Frame, Pollet, Goodman, Peterson, Thai, Ramel, J. Johnson, Bateman, Simmons, Fitzgibbon and Valdez

AN ACT Relating to increasing access to the provisions of the Washington death with dignity act; amending RCW 70.245.010, 70.245.010, 70.245.020, 70.245.030, 70.245.040, 70.245.050, 70.245.060, 70.245.070, 70.245.080, 70.245.090, 70.245.100, 70.245.110, 70.245.120, 70.245.150, 70.245.180, 70.245.190, 70.245.220, and 70.41.520; adding a new section to chapter 70.245 RCW; adding a new section to chapter 70.41 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1142 by Representatives Hoff, Wylie and Vick

AN ACT Relating to auto mall directional signs; and adding a new section to chapter 47.36 RCW.

Referred to Committee on Transportation.

HB 1143 by Representatives Rude, Klicker, Eslick and Dent

AN ACT Relating to authorizing the placement of water rights banked pursuant to RCW 90.92.070 into the trust water rights program; amending RCW 90.42.080; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1144 by Representatives Hoff, Vick and Eslick

AN ACT Relating to standing before the growth management hearings board; amending RCW 36.70A.280; and creating a new section.

Referred to Committee on Local Government.

HB 1145 by Representative Rude

AN ACT Relating to allowing the use of nonwood renewable fiber in recycled content paper carryout bags; and amending RCW 70A.530.010 and 70A.530.020.

Referred to Committee on Environment & Energy.

HB 1146 by Representatives Hoff and Vick

AN ACT Relating to limiting the transfer of moneys in nonappropriated funds and accounts; adding a new section to chapter 43.79 RCW; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Appropriations.

HB 1147 by Representatives Ryu, Klippert, Pollet, Goodman and Rule

AN ACT Relating to creating the Washington state office of resiliency; and adding a new chapter to Title 43 RCW.

Referred to Committee on Appropriations.

HB 1148 by Representatives Cody, Macri, Stonier, Lekanoff and Pollet

AN ACT Relating to protecting patient safety in acute care hospitals through improvements in licensing and enforcement; amending RCW 70.41.020 and 70.41.130; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1149 by Representatives Pollet, Dolan, Ramel, Ormsby, Lekanoff, Goodman, Wicks and Valdez

AN ACT Relating to improving the public health knowledge of students in public schools; adding a new section to chapter 28A.655 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 1150 by Representatives Hoff and Chapman

AN ACT Relating to state building code council membership; and amending RCW 19.27.070.

Referred to Committee on Local Government.

HB 1151 by Representatives Leavitt, Shewmake, Peterson, Bronoske, Entenman, Stonier, Bateman, Chopp, Frame, Hackney, Callan, Pollet, Gregerson, Senn and J. Johnson

AN ACT Relating to bolstering economic recovery by providing public assistance to households in need; amending RCW 74.04.660 and 74.04.770; adding a new section to chapter 74.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1152 by Representatives Riccelli, Leavitt, Stonier, Ormsby, Lekanoff, Pollet, Bronoske and Bateman

AN ACT Relating to supporting measures to create comprehensive public health districts; amending RCW 43.70.515, 70.05.010, 70.05.040, 70.05.045, 70.05.050, 70.05.051, 70.05.053, 70.05.054, 70.05.055, 70.05.060, 70.05.070, 70.05.072, 70.05.074, 70.05.077, 70.05.090, 70.05.100, 70.05.110, 70.05.120, 70.05.130, 70.05.150, 70.05.160, 70.05.170, 70.05.180, 70.05.190, 43.20.030, 43.20.148, 43.20.050, 70.24.022, 70.24.024, 70.24.034, 70.24.150, 70.24.340, 70.24.360, and 70.24.450; reenacting and amending RCW 43.20.025 and 70.24.017; adding new sections to chapter 43.70 RCW; adding new sections to chapter 70.05 RCW; creating a new section; repealing RCW 70.05.030, 70.05.035, 70.05.080, 70.08.005, 70.08.010, 70.08.020, 70.08.030, 70.08.040, 70.08.050, 70.08.060, 70.08.070, 70.08.080, 70.08.090, 70.08.100, 70.08.110, 70.46.020, 70.46.031, 70.46.060, 70.46.080, 70.46.082, 70.46.085, 70.46.090, 70.46.100, 70.46.120, 43.70.060, 43.70.064, 43.70.066, 43.70.068, and 43.70.070; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1153 by Representatives Orwall, Gregerson, Davis, Hackney, Macri, Callan, Pollet, Ramos, Bergquist, Thai, J. Johnson, Simmons and Valdez

AN ACT Relating to language access in public schools; adding a new section to chapter 28A.605 RCW; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 28A.630 RCW; creating a new section; repealing RCW 28A.155.230; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1154 by Representatives Ortiz-Self, Santos, Frame and Peterson

AN ACT Relating to the building communities fund program; and amending RCW 43.63A.125.

Referred to Committee on Capital Budget.

HB 1155 by Representatives Riccelli, Ormsby and Lekanoff

AN ACT Relating to sales and use tax for emergency communication systems and facilities; and amending RCW 82.14.420.

Referred to Committee on Finance.

HB 1156 by Representatives Harris-Talley, Gregerson, Shewmake, Ormsby, Chopp, Lekanoff, Davis, Frame, Macri, Duerr, Pollet, Goodman, Berg, Taylor, Walsh, Rule, Ortiz-Self, Berry, Peterson, Thai, Wicks, Bateman, J. Johnson, Simmons, Fitzgibbon, Ramel and Dolan

AN ACT Relating to increasing representation and voter participation in local elections; amending RCW 29A.60.221, 29A.52.112, 29A.52.210, 29A.52.220, 29A.24.010, 36.32.040, 36.32.050, 35A.12.040, 28A.343.320, 29A.04.330, 35.17.020, 35.18.270, 35.23.051, 35.27.090, 35.30.080, 35.61.050, 35A.02.050, 36.32.030, 36.32.0554, 36.69.070, 36.69.090, 36.93.051, 36.93.061, 29A.92.070, 29A.92.080, and 29A.92.130; reenacting and amending RCW 29A.36.170; adding a new section to chapter 29A.52 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 52.14 RCW; adding a new section to chapter 53.12 RCW; creating new sections; repealing RCW 29A.04.127; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1157 by Representatives Bateman, Gilday, Taylor, Eslick, Robertson, Simmons, Ormsby, Lekanoff, Hackney, Ryu, Walen, Vick, Wicks, Berg, Fitzgibbon, Barkis, Harris-Talley and Dolan

AN ACT Relating to increasing housing supply through the growth management act and housing density tax incentives for local governments; amending RCW 36.70A.110, 36.70A.210, and 82.45.060; reenacting and amending RCW 36.70A.070; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Finance.

HB 1158 by Representatives Eslick, Ybarra, Dent and Sutherland

AN ACT Relating to limiting unilateral actions by the executive branch in emergencies; and amending RCW 43.06.220 and 34.05.350.

Referred to Committee on State Government & Tribal Relations.

HB 1159 by Representatives Berg, Bronoske, Griffey and Pollet

AN ACT Relating to the number of fire protection district commissioners; and amending RCW 52.14.015.

Referred to Committee on Housing & Local Government.

HB 1160 by Representatives Cody, Macri and Pollet

AN ACT Relating to health provider contracts; and adding new sections to chapter 48.43 RCW.

Referred to Committee on Appropriations.

HB 1161 by Representatives Peterson, Davis, Pollet and Thai

AN ACT Relating to modifying the requirements for drug take-back programs; amending RCW 69.48.010, 69.48.050, 69.48.100, 69.48.120, 43.131.423, and 43.131.424; and creating a new section.

Referred to Committee on Appropriations.

HB 1162 by Representatives Stonier, Harris, Lekanoff, Hackney, Pollet, Dolan and Callan

AN ACT Relating to creating new graduation credit and pathway options; amending RCW 28A.230.090 and 28A.655.250; and declaring an emergency.

Referred to Committee on Education.

HB 1163 by Representative Stokesbary

AN ACT Relating to oversight and management of the state budgeting and expenditure process; amending RCW 43.88.110, 43.79.270, 43.79.280, and 43.79.260; adding new sections to chapter 43.88 RCW; adding a new chapter to Title 44 RCW; creating a new section; and recodifying RCW 43.79.270 and 43.79.280.

Referred to Committee on Appropriations.

HB 1164 by Representatives Valdez, Peterson, Ormsby, Davis, Hackney, Macri, Pollet, Gregerson, Ramel, Bateman, Simmons, Fitzgibbon and Harris-Talley

AN ACT Relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, possession, distribution, importation, selling, offering for sale, purchasing, or transfer of large capacity magazines, by allowing continued possession of large capacity magazines limited to possession prior to, and inheritance on or after, the effective date of this act, subject to certain restrictions on the ability to sell or transfer such large capacity magazines and permitting their possession only on the owner's property or while engaged in lawful outdoor

recreational activities or use at a licensed shooting range, or when transporting the large capacity magazine to or from these locations, and by providing limited exemptions applicable to certain government officers, agents, employees, or contractors, law enforcement and corrections officers and military members, licensed firearms manufacturers, dealers, and gunsmiths, and persons engaged in sport shooting or permanently relinquishing a large capacity magazine to law enforcement; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1165 by Representatives Ryu, Vick, Santos, Hoff and Harris-Talley

AN ACT Relating to the Washington credit union act; and amending RCW 31.12.005, 31.12.402, 31.12.404, 31.12.436, and 31.12.438.

Referred to Committee on Business, Financial Services & Trade.

HB 1166 by Representatives Leavitt, Caldier, Sutherland, Chopp, Lekanoff, Davis, Shewmake, Pollet, Ramos, Callan, Rule, Gregerson, Bateman, Harris-Talley and J. Johnson

AN ACT Relating to expanding access to the homeless and foster care college students pilot program; amending RCW 28B.50.916 and 28B.77.850; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1167 by Representatives Bateman, Dolan and Hackney

AN ACT Relating to Thurston county superior court judges; amending RCW 2.08.065; and creating a new section.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 1151 which was referred to the committee on Housing, Human Services & Veterans.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4400
HOUSE CONCURRENT RESOLUTION NO. 4401

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4400 and HOUSE CONCURRENT RESOLUTION NO. 4401 were immediately transmitted to the Senate.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President Pro Tempore Karen Keiser to her seat on the Rostrum.

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

MESSAGE FROM THE SENATE

January 12, 2021

Mme. SPEAKER:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

JOINT SESSION

Pursuant to House Concurrent Resolution No. 4401, the Speaker called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

The Speaker introduced President Pro Tempore, Karen Keiser seated at the rostrum.

The Speaker: "The purpose of the Joint Session is to receive the canvassing of the votes of statewide elected officials, referenda and initiatives."

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

MESSAGE FROM THE SECRETARY OF STATE

FORMAT CHANGED TO ACCOMIDATE TEXT

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Speaker of the House of Representatives
The Legislature of the State of Washington Olympia, Washington

Canvass of the Returns of the General Election
Held on November 3, 2020

I, Kim Wyman, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the 4,116,894 votes cast in the November 3, 2020 General Election by the registered voters of the state for all statewide measures, statewide offices, those legislative and judicial offices whose jurisdiction encompasses more than one county, as received from the County Auditors. The votes cast for these measures and these candidates are as follows:

Referendum Measure No. 90

The legislature passed Engrossed Substitute Senate Bill 5395 concerning comprehensive sexual health education. This bill would require school districts to adopt or develop, consistent with state standards, comprehensive age-appropriate sexual health education, as defined, for all students, and excuse students if their parents request.

Approved	2,283,630
Rejected	1,665,906

Advisory Vote No. 32**Engrossed Substitute Senate Bill 5323**

The legislature imposed, without a vote of the people, a retail sales tax on pass-through charges retail establishments collect for specified carryout bags, costing \$32,000,000 in its first ten years, for government spending.

Repealed	2,350,996
Maintained	1,488,767

Advisory Vote No. 33**Substitute Senate Bill 5628**

The legislature imposed, without a vote of the people, a tax on heavy equipment rentals to consumers by heavy equipment rental property dealers, costing \$103,000,000 in its first ten years, for government spending.

Repealed	2,262,993
Maintained	1,533,746

Advisory Vote No. 34**Engrossed Substitute Senate Bill 6492**

The legislature increased, without a vote of the people, the business and occupation tax rate for certain businesses, while reducing certain surcharges, costing \$843,000,000 in its first ten years, for government spending.

Repealed	2,334,609
Maintained	1,430,112

Advisory Vote No. 35**Engrossed Senate Bill 6690**

The legislature increased, without a vote of the people, the business and occupation tax on manufacturers of commercial airplanes, including components or tooling, costing \$1,024,000,000 in its first ten years, for government spending.

Repealed	2,064,701
Maintained	1,725,885

Engrossed Senate Joint Resolution No. 8212

The legislature has proposed a constitutional amendment on investment of public funds. This amendment would allow public money held in a fund for long-term care services and supports to be invested by governments as authorized by state law, including investments in private stocks.

Approved	1,738,080
Rejected	2,069,809

US President/Vice President

Candidate	Party	Votes
Joseph R. Biden / Kamala D. Harris	(Democratic Party Nominees)	2,369,612
Donald J. Trump / Michael R. Pence	(Republican Party Nominees)	1,584,651
Jo Jorgensen / Jeremy "Spike" Cohen	(Libertarian Party Nominees)	80,500
Howie Hawkins / Angela Walker	(Green Party Nominees)	18,289
Gloria La Riva / Sunil Freeman	(Socialism and Liberation Party Nominees)	4,840

Alyson Kennedy / Malcolm M. Jarrett	(Socialist Workers Party Nominees)	2,487
WRITE-IN		27,252

Congressional District 1 - U.S. Representative

Candidate	Party Preference	Votes
Suzan DelBene	(Prefers Democratic Party)	249,944
Jeffrey Beeler, Sr.	(Prefers Republican Party)	176,407
WRITE-IN		511

Congressional District 2 - U.S. Representative

Candidate	Party Preference	Votes
Rick Larsen	(Prefers Democratic Party)	255,252
Timothy S. Hazelo	(Prefers Republican Party)	148,384
WRITE-IN		962

Congressional District 3 - U.S. Representative

Candidate	Party Preference	Votes
Jaime Herrera Beutler	(Prefers Republican Party)	235,579
Carolyn Long	(Prefers Democratic Party)	181,347
WRITE-IN		977

Congressional District 4 - U.S. Representative

Candidate	Party Preference	Votes
Dan Newhouse	(Prefers Republican Party)	202,108
Douglas E. McKinley	(Prefers Democratic Party)	102,667
WRITE-IN		488

Congressional District 5 - U.S. Representative

Candidate	Party Preference	Votes
Cathy McMorris Rodgers	(Prefers Republican Party)	247,815
Dave Wilson	(Prefers Democratic Party)	155,737
WRITE-IN		808

Congressional District 6 - U.S. Representative

Candidate	Party Preference	Votes
Derek Kilmer	(Prefers Democratic Party)	247,429
Elizabeth Kreiselmaier	(Prefers Republican Party)	168,783
WRITE-IN		1,004

Congressional District 7 - U.S. Representative

Candidate	Party Preference	Votes
Pramila Jayapal	(Prefers Democratic Party)	387,109
Craig Keller	(Prefers Republican Party)	78,240
WRITE-IN		1,113

Congressional District 8 - U.S. Representative

Candidate	Party Preference	Votes
Kim Schrier	(Prefers Democratic Party)	213,123
Jesse Jensen	(Prefers Republican Party)	198,423
WRITE-IN		566

Congressional District 9 - U.S. Representative

Candidate	Party Preference	Votes
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Adam Smith	(Prefers Democratic Party)	258,771
Doug Basler	(Prefers Republican Party)	89,697
WRITE-IN		582

Congressional District 10 - U.S. Representative

Candidate	Party Preference	Votes
Marilyn Strickland	(Prefers Democratic Party)	167,937
Beth Doglio	(Prefers Democratic Party)	121,040
WRITE-IN		51,430

Governor

Candidate	Party Preference	Votes
Jay Inslee	(Prefers Democratic Party)	2,294,243
Loren Culp	(Prefers Republican Party)	1,749,066
WRITE-IN		13,145

Lieutenant Governor

Candidate	Party Preference	Votes
Denny Heck	(Prefers Democratic Party)	1,658,405
Marko Liias	(Prefers Democratic Party)	1,218,548
WRITE-IN		759,076

Secretary of State

Candidate	Party Preference	Votes
Kim Wyman	(Prefers Republican Party)	2,116,141
Gael Tarleton	(Prefers Democratic Party)	1,826,710
WRITE-IN		4,666

State Treasurer

Candidate	Party Preference	Votes
Mike Pellicciotti	(Prefers Democratic Party)	2,089,159
Duane A. Davidson	(Prefers Republican Party)	1,818,895
WRITE-IN		3,339

State Auditor

Candidate	Party Preference	Votes
Pat (Patrice) McCarthy	(Prefers Democratic Party)	2,260,830
Chris Leyba	(Prefers Republican Party)	1,633,956
WRITE-IN		3,316

Attorney General

Candidate	Party Preference	Votes
Bob Ferguson	(Prefers Democratic Party)	2,226,418
Matt Larkin	(Prefers Republican Party)	1,714,927
WRITE-IN		3,968

Commissioner of Public Lands

Candidate	Party Preference	Votes
Hilary Franz	(Prefers Democratic Party)	2,212,158
Sue Kuehl Pederson	(Prefers Republican Party)	1,686,320
WRITE-IN		3,799

Superintendent of Public Instruction

Candidate	Votes
Chris Reykdal	1,955,365
Maia Espinoza	1,609,643
WRITE-IN	17,957

Insurance Commissioner

Candidate	Party Preference	Votes
Mike Kreidler	(Prefers Democratic Party)	2,506,693
Chirayu Avinash Patel	(Prefers Republican Party)	1,308,292
WRITE-IN		18,576

Legislative District 1 – State Senator

Candidate	Party Preference	Votes
Derek Stanford	(Prefers Democratic Party)	55,496
Art Coday	(Prefers Republican Party)	32,168
WRITE-IN		53

Legislative District 1 – State Representative Position 1

Candidate	Party Preference	Votes
Davina Duerr	(Prefers Democratic Party)	58,019
Adam Bartholomew	(Prefers Republican Party)	29,256
WRITE-IN		61

Legislative District 1 – State Representative Position 2

Candidate	Party Preference	Votes
Shelley Kloba	(Prefers Democratic Party)	55,622
Jeb Brewer	(Prefers Republican Party)	31,696
WRITE-IN		64

Legislative District 2 – State Senator

Candidate	Party Preference	Votes
Rick Payne	(Prefers Democrat Party)	29,477
Jim McCune	(Prefers Republican Party)	51,941
WRITE-IN		216

Legislative District 2 – State Representative Position 1

Candidate	Party Preference	Votes
Andrew Barkis	(Prefers Republican Party)	65,621
WRITE-IN		3,189

Legislative District 2 – State Representative Position 2

Candidate	Party Preference	Votes
JT Wilcox	(Prefers Republican Party)	53,552
Veronica Whitcher Rockett	(Prefers Democratic Party)	27,952
WRITE-IN		248

Legislative District 7 – State Representative Position 1

Candidate	Party Preference	Votes
Jacquelin Maycumber	(Prefers Republican Party)	61,485
Georgia D. Davenport	(Prefers Democratic Party)	23,973
WRITE-IN		100

Legislative District 7 – State Representative Position 2

Candidate	Party Preference	Votes
Joel Kretz	(Prefers Republican Party)	62,615
JJ Wandler	(Prefers Independent Party)	20,735
WRITE-IN		288

Legislative District 9 – State Senator

Candidate	Party Preference	Votes
Mark G. Schoesler	(Prefers GOP Party)	43,651
Jenn Goulet	(Prefers Democratic Party)	22,802
WRITE-IN		352

Legislative District 9 – State Representative Position 1

Candidate	Party Preference	Votes
Mary Dye	(Prefers Republican Party)	48,408
Brett Borden	(Prefers Libertarian Party)	16,091
WRITE-IN		716

Legislative District 9 – State Representative Position 2

Candidate	Party Preference	Votes
Joe Schmick	(Prefers GOP Party)	53,707
WRITE-IN		2,438

Legislative District 10 – State Senator

Candidate	Party Preference	Votes
Ron Muzzall	(Prefers Republican Party)	47,189
Helen Price Johnson	(Prefers Democratic Party)	45,415
WRITE-IN		101

Legislative District 10 – State Representative Position 1

Candidate	Party Preference	Votes
Greg Gilday	(Prefers GOP Party)	45,768
Angie Homola	(Prefers Democratic Party)	44,877
WRITE-IN		196

Legislative District 10 – State Representative Position 2

Candidate	Party Preference	Votes
Bill Bruch	(Prefers Republican Party)	45,461
Dave Paul	(Prefers Democratic Party)	46,199
WRITE-IN		102

Legislative District 12 – State Senator

Candidate	Party Preference	Votes
Brad Hawkins	(Prefers Republican Party)	58,051
WRITE-IN		2,575

Legislative District 12 – State Representative Position 1

Candidate	Party Preference	Votes
Keith Goehner	(Prefers Republican Party)	45,817
Adrienne Moore	(Prefers Democratic Party)	29,998
WRITE-IN		84

Legislative District 12 – State Representative Position 2

Candidate	Party Preference	Votes
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Mike Steele	(Prefers Republican Party)	57,281
WRITE-IN		2,265

Legislative District 13 – State Representative Position 1

Candidate	Party Preference	Votes
Tom Dent	(Prefers Republican Party)	47,701
Eduardo Castañeda-Díaz	(Prefers Democratic Party)	19,104
WRITE-IN		68

Legislative District 13 – State Representative Position 2

Candidate	Party Preference	Votes
Alex Ybarra	(Prefers Republican Party)	55,215
WRITE-IN		1,210

Legislative District 14 – State Senator

Candidate	Party Preference	Votes
Curtis P. King	(Prefers Republican Party)	51,384
WRITE-IN		2,256

Legislative District 14 – State Representative Position 1

Candidate	Party Preference	Votes
Chris Corry	(Prefers Republican Party)	39,519
Tracy Rushing	(Prefers Democratic Party)	26,721
WRITE-IN		58

Legislative District 14 – State Representative Position 2

Candidate	Party Preference	Votes
Gina Mosbrucker	(Prefers Republican Party)	39,285
Devin Kuh	(Prefers Democratic Party)	26,435
WRITE-IN		97

Legislative District 16 – State Senator

Candidate	Party Preference	Votes
Danielle Garbe Reser	(Prefers Democratic Party)	24,889
Perry Dozier	(Prefers Republican Party)	35,859
WRITE-IN		59

Legislative District 16 – State Representative Position 1

Candidate	Party Preference	Votes
Mark Klicker	(Prefers Republican Party)	38,570
Frances Chvatal	(Prefers Democratic Party)	22,056
WRITE-IN		36

Legislative District 16 – State Representative Position 2

Candidate	Party Preference	Votes
Skyler Rude	(Prefers Republican Party)	41,142
Carly Coburn	(Prefers Democratic Party)	19,163
WRITE-IN		64

Legislative District 19 – State Senator

Candidate	Party Preference	Votes
Dean Takko	(Prefers Democratic Party)	32,773
Jeff Wilson	(Prefers Republican Party)	40,560

WRITE-IN		82
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Legislative District 19 – State Representative Position 1

Candidate	Party Preference	Votes
Jim Walsh	(Prefers Republican Party)	43,315
Marianna Everson	(Prefers Democratic Party)	29,625

WRITE-IN		84
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Legislative District 19 – State Representative Position 2

Candidate	Party Preference	Votes
Joel McEntire	(Prefers Republican Party)	38,369
Brian E. Blake	(Prefers Democratic Party)	34,599

WRITE-IN		60
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Legislative District 20 – State Senator

Candidate	Party Preference	Votes
John Braun	(Prefers Republican Party)	67,304

WRITE-IN		2,299
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Legislative District 20 – State Representative Position 1

Candidate	Party Preference	Votes
Peter Abbarno	(Prefers Republican Party)	58,484
Timothy Zahn	(Prefers Democratic Party)	24,079

WRITE-IN		120
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Legislative District 20 – State Representative Position 2

Candidate	Party Preference	Votes
Ed Orcutt	(Prefers Republican Party)	60,030
Will Rollet	(Prefers Democratic Party)	22,352

WRITE-IN		125
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Legislative District 24 – State Senator

Candidate	Party Preference	Votes
Kevin Van De Wege	(Prefers Democratic Party)	49,883
Connie Beauvais	(Prefers Republican Party)	42,289

WRITE-IN		74
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Legislative District 24 – State Representative Position 1

Candidate	Party Preference	Votes
Mike Chapman	(Prefers Democratic Party)	49,965
Sue Forde	(Prefers Republican Party)	42,207

WRITE-IN		67
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Legislative District 24 – State Representative Position 2

Candidate	Party Preference	Votes
Steve Tharinger	(Prefers Democratic Party)	49,262
Brian Pruiett	(Prefers Republican Party)	42,515

WRITE-IN		66
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Legislative District 26 – State Representative Position 1

Candidate	Party Preference	Votes
Jesse L. Young	(Prefers Republican Party)	47,171
Carrie Hesch	(Prefers Democratic Party)	42,113

WRITE-IN		129
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Legislative District 26 – State Representative Position 2

Candidate	Party Preference	Votes
Joy Stanford	(Prefers Democratic Party)	40,189
Michelle Caldier	(Prefers Republican Party)	48,973

WRITE-IN		183
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Legislative District 30 – State Representative Position 1

Candidate	Party Preference	Votes
Jamila Taylor	(Prefers Democratic Party)	36,338
Martin A. Moore	(Prefers Ind Republican Party)	26,406

WRITE-IN		63
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Legislative District 30 – State Representative Position 2

Candidate	Party Preference	Votes
Jesse Johnson	(Prefers Democratic Party)	37,941
Jack Walsh	(Prefers Republican Party)	24,948

WRITE-IN		43
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Legislative District 31 – State Representative Position 1

Candidate	Party Preference	Votes
Drew Stokesbary	(Prefers Republican Party)	54,517
Katie Young	(Prefers Democratic Party)	31,306

WRITE-IN		89
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Legislative District 31 – State Representative Position 2

Candidate	Party Preference	Votes
Eric E. Robertson	(Prefers Republican Party)	53,858
Thomas R. Clark	(Prefers Democratic Party)	31,657

WRITE-IN		99
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Legislative District 32 – State Representative Position 1

Candidate	Party Preference	Votes
Cindy Ryu	(Prefers Democratic Party)	52,703
Shirley Sutton	(Prefers Democratic Party)	19,658

WRITE-IN		1,292
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Legislative District 32 – State Representative Position 2

Candidate	Party Preference	Votes
Lauren Davis	(Prefers Democratic Party)	59,115
Tamra Smilanich	(Prefers Non Partisan Party)	9,235

WRITE-IN		507
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Legislative District 35 – State Representative Position 1

Candidate	Party Preference	Votes
Dan Griffey	(Prefers Republican Party)	49,314
Colton Myers	(Prefers Democratic Party)	35,131

WRITE-IN		100
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Legislative District 35 – State Representative Position 2

Candidate	Party Preference	Votes
Drew C. MacEwen	(Prefers Republican Party)	47,618

Darcy Huffman	(Prefers Democratic Party)	36,668
WRITE-IN		115

Legislative District 39 – State Senator

Candidate	Party Preference	Votes
Keith L. Wagoner	(Prefers Republican Party)	52,386
Kathryn A. Lewandowsky	(Prefers WA Progressive Party)	27,578
WRITE-IN		125

Legislative District 39 – State Representative Position 1

Candidate	Party Preference	Votes
Robert J. Sutherland	(Prefers Republican Party)	48,716
Claus Joens	(Prefers Democratic Party)	32,349
WRITE-IN		100

Legislative District 39 – State Representative Position 2

Candidate	Party Preference	Votes
Carolyn Eslick	(Prefers Republican Party)	51,067
Ryan Johnson	(Prefers Democratic Party)	29,833
WRITE-IN		96

Legislative District 40 – State Senator

Candidate	Party Preference	Votes
Elizabeth (Liz) Lovelett	(Prefers Democratic Party)	60,871
Charles Carrell	(Prefers Republican Party)	26,638
WRITE-IN		78

Legislative District 40 – State Representative Position 1

Candidate	Party Preference	Votes
Debra Lekanoff	(Prefers Democratic Party)	64,898
WRITE-IN		2,915

Legislative District 40 – State Representative Position 2

Candidate	Party Preference	Votes
Alex Ramel	(Prefers Democratic Party)	58,915
Russ Dzialo	(Prefers Republican Party)	27,408
WRITE-IN		155

Supreme Court – Justice Position 3

Candidate	Votes
Dave Larson	1,462,764
Raquel Montoya-Lewis	2,057,623
WRITE-IN	13,661

Supreme Court – Justice Position 4

Candidate	Votes
Charles W. Johnson	2,850,924
WRITE-IN	66,407

Supreme Court – Justice Position 6

Candidate	Votes
Richard S. Serns	1,140,338
G. Helen Whitener	2,263,513

WRITE-IN	19,416
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Supreme Court – Justice Position 7

Candidate	Votes
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Debra L. Stephens	2,852,879
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WRITE-IN	60,808
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Court of Appeals, Division 2, District 2 – Judge Position 1

Candidate	Votes
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Lisa L. Sutton	327,019
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WRITE-IN	6,305
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Court of Appeals, Division 3, District 1 – Judge Position 2

Candidate	Votes
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Marshall Casey	110,355
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Tracy Arlene Staab	190,276
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WRITE-IN	2,184
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Court of Appeals, Division 3, District 3 – Judge Position 1

Candidate	Votes
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Rebecca Pennell	136,674
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WRITE-IN	1,723
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Asotin, Columbia, Garfield Superior Court – Judge Position 1

Candidate	Votes
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Brooke J. Burns	8,607
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G. Scott Marinella	6,091
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WRITE-IN	48
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Benton, Franklin Superior Court – Judge Position 1

Candidate	Votes
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Dave Petersen	72,640
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Sharon Brown	47,567
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WRITE-IN	451
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Benton, Franklin Superior Court – Judge Position 2

Candidate	Votes
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Joe Burrowes	97,745
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WRITE-IN	1,174
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Benton, Franklin Superior Court – Judge Position 3

Candidate	Votes
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Alexander Carl Ekstrom	95,893
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WRITE-IN	1,098
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Benton, Franklin Superior Court – Judge Position 4

Candidate	Votes
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Cameron Mitchell	98,502
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WRITE-IN	973
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Benton, Franklin Superior Court – Judge Position 5

Candidate	Votes
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Sam Swanberg	96,033
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WRITE-IN	1,114
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Benton, Franklin Superior Court – Judge Position 6

Candidate	Votes
Carrie Runge	93,825
WRITE-IN	1,541

Benton, Franklin Superior Court – Judge Position 7

Candidate	Votes
Jacqueline Shea Brown	95,675
WRITE-IN	1,204

Ferry, Pend Oreille, Stevens Superior Court – Judge Position 1

Candidate	Votes
Patrick A. Monasmith	28,233
WRITE-IN	531

Ferry, Pend Oreille, Stevens Superior Court – Judge Position 2

Candidate	Votes
Jessica Taylor Reeves	27,609
WRITE-IN	486

Klickitat, Skamania Superior Court – Judge Position 1

Candidate	Votes
Randall Krog	12,687
WRITE-IN	276

Pacific, Wahkiakum Superior Court – Judge Position 1

Candidate	Votes
Donald J. Richter	11,894
WRITE-IN	292

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington on this 1st day of December 2020, at Olympia, the State Capital.

Kim Wyman
Secretary of State

The Speaker: “In view of the election results previously read, certified to by the Secretary of State, the Joint Session now declares the following qualified citizens to be the duly elected constitutional officers of the state of Washington:

Jay Inslee, Governor
Denny Heck, Lieutenant Governor
Kim Wyman, Secretary of State
Mike Pellicciotti, State Treasurer
Pat McCarthy, State Auditor
Bob Ferguson, Attorney General
Chris Reykdal, Superintendent of Public Instruction
Mike Kreidler, Insurance Commissioner
Hilary Franz, Commissioner of Public Lands.”

The Speaker: “The Speaker of the House and the President of the Senate have signed the certificates of election for the duly elected constitutional officers.”

Having discharged the constitutional requirement to canvas the vote, with the consent of the body, the Speaker dissolved the Joint Session.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted the President Pro Tempore from the House Chamber.

There being no objection, the House adjourned until 9:55 a.m., January 13, 2021, the 3rd Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRD DAY

House Chamber, Olympia, Wednesday, January 13, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1168 by Representatives Springer, Kretz, Fitzgibbon, Griffey, Riccelli, Lekanoff, Ramos, Callan, Harris-Talley, Dent and Klicker

AN ACT Relating to long-term forest health and the reduction of wildfire dangers; amending RCW 76.06.200 and 76.06.150; adding new sections to chapter 76.04 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1169 by Representatives Goodman, Davis, Dolan, Simmons, Bateman, Lekanoff, Springer, Gregerson, Senn, Fitzgibbon, Ramos, Frame, Ramel, Peterson, Lovick, Ryu, Callan, Slatter, Duerr, Ormsby, Macri and Hackney

AN ACT Relating to sentencing enhancements; amending RCW 9.94A.599, 9.94A.729, 9.94A.729, 10.01.210, and 72.01.410; reenacting and amending RCW 9.94A.030 and 9.94A.533; adding a new section to chapter 9.94A RCW; creating new sections; repealing RCW 9.94A.833 and 69.50.435; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1170 by Representatives Boehnke, Paul, Walsh, Kloba, Shewmake, Santos, Springer, Dolan, Dye, Graham, Leavitt, McCaslin, Young, Walen, Riccelli, Bateman, Lovick, Lekanoff, Eslick, Frame, Barkis, Sutherland, Robertson and Dent

AN ACT Relating to building economic strength through manufacturing; and adding new sections to chapter 43.330 RCW.

Referred to Committee on Appropriations.

HB 1171 by Representatives Walen, Springer, Dolan and Lovick

AN ACT Relating to amending child support income withholding provisions to comply with federal child support program requirements; amending RCW 6.27.105, 6.27.140, 6.27.150, 6.27.330, 26.18.020, 26.18.080, 26.18.090, 26.18.110, 26.18.130, 26.18.140, 26.23.010, 26.23.050, 26.23.050, 26.23.060, 74.20A.080, 74.20A.240, and 74.20A.350; reenacting and amending RCW 26.23.090; repealing RCW 26.18.100; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1172 by Representatives Lekanoff, Kloba, Ramel, Leavitt, Davis, Dolan, Fitzgibbon, Riccelli, Bateman, Gregerson and Duerr

AN ACT Relating to recognizing judicially affirmed and treaty-reserved fishing rights and promoting state-tribal cooperative agreements in the management of salmon, trout, and steelhead resources; creating a new section; and repealing RCW 77.110.010, 77.110.020, 77.110.030, 77.110.040, and 77.110.900.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1173 by Representatives Berry, Frame, Dolan and Lekanoff

AN ACT Relating to state lands development authorities; and adding a new chapter to Title 43 RCW.

Referred to Committee on Capital Budget.

HB 1174 by Representatives Peterson, Simmons, Davis, Dolan, Fitzgibbon, Ortiz-Self, Sells, Senn, Ryu, Wylie, Riccelli, Valdez, Orwall, Bateman, Gregerson, Lovick, Frame, Slatter, Ormsby and Macri

AN ACT Relating to the uniform electronic recordation of custodial interrogations act; reenacting and amending RCW 9.73.030; adding a new chapter to Title 10 RCW; and providing an effective date.

Referred to Committee on Public Safety.

HB 1175 by Representatives J. Johnson, Caldier, Callan, Young, Griffey, Sutherland, Harris-Talley, Ormsby and Fitzgibbon

AN ACT Relating to providing a property tax exemption for real property used as a host home associated with a host home program; amending RCW 84.69.020; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1176 by Representatives Paul, Boehnke, Kloba, Callan, Davis, Dolan, Riccelli, Bergquist, Lekanoff and Shewmake

AN ACT Relating to access to higher education; and amending RCW 28A.635.060 and 28A.225.330.

Referred to Committee on Education.

HB 1177 by Representatives Stokesbary, Dufault, Young, Walen, Barkis and Robertson

AN ACT Relating to periodic review of state spending programs; and adding a new chapter to Title 43 RCW.

Referred to Committee on Appropriations.

HB 1178 by Representatives Stokesbary, Dufault, Young, Kraft, Barkis and Robertson

AN ACT Relating to improving state budgeting through zero-based budget reviews; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1179 by Representatives Stokesbary, Dufault, Young and Barkis

AN ACT Relating to fiscal notes; amending RCW 43.88A.010; adding a new section to chapter 43.88A RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1180 by Representatives Kraft and Sutherland

AN ACT Relating to public testimony at public meetings, including virtual meetings; amending RCW 42.30.020 and 42.30.070; and declaring an emergency.

Referred to Committee on Local Government.

HB 1181 by Representatives Orwall, Boehnke, Callan, Leavitt, Davis, Dolan, Valdez, Young, Riccelli, Lekanoff, Barkis, Peterson, Shewmake, Bronoske, Macri and Morgan

AN ACT Relating to establishing programs and measures to prevent suicide among veterans and military members; amending RCW 43.70.445; adding new sections to chapter 43.60A RCW; adding a new

section to chapter 43.70 RCW; adding a new section to chapter 46.18 RCW; adding a new section to chapter 43.216 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 9.41 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1182 by Representatives Orwall, Davis, Fey, Callan, Simmons, J. Johnson, Dolan, Fitzgibbon, Ryu, Senn, Valdez, Walen, Bateman, Gregerson, Bergquist, Lovick, Lekanoff, Goodman, Frame, Peterson, Paul, Slatter, Chopp, Duerr, Harris-Talley, Macri and Morgan

AN ACT Relating to statewide enhancement and expansion of behavioral health and suicide prevention crisis response services; amending RCW 71.24.045; reenacting and amending RCW 71.24.385, 71.24.025, and 71.24.025; adding new sections to chapter 71.24 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 38.52 RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1183 by Representatives Caldier and J. Johnson

AN ACT Relating to creating the home sharing support grant program; amending RCW 36.22.179 and 36.22.1791; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Appropriations.

HB 1184 by Representatives Duerr, Ramel, Dolan and Harris-Talley

AN ACT Relating to risk-based water quality standards for on-site nonpotable water systems; and adding a new section to chapter 90.46 RCW.

Referred to Committee on Local Government.

HB 1185 by Representatives Sutherland, Shewmake, Walsh, Eslick, Robertson and Dent

AN ACT Relating to providing discounted hunting licenses to seniors; amending RCW 77.32.450 and 77.32.460; and providing an effective date.

Referred to Committee on Appropriations.

SCR 8401 by Senators Liias and Short

Establishing cutoff dates for the consideration of legislation during the 2021 regular session of the sixty-seventh legislature.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE CONCURRENT RESOLUTION NO. 8401 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

The Speaker assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Lieutenant Governor Denny Heck to his seat on the Rostrum.

The Speaker called upon President Heck to preside.

STATE OF THE STATE

The President of the Senate, Lieutenant Governor Heck, called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

President Heck: "The purpose of the Joint Session is to receive the state of the state message from His Excellency, Governor Jay Inslee."

His Excellency Governor Jay Inslee was introduced.

"Good afternoon, and thank you for joining us today. I am so appreciative of this chance to serve again. We are embarking on a historic third term and a historic legislative session.

So let's talk straight. The last year has been challenging in ways none of us have ever experienced. It's the kind of moment where we are called upon to dig deep, to work together, and to be resourceful like never before. And Washingtonians are answering that call.

At the end of this legislative session alone, we will be able to say our state is more equitable. A state with more opportunities for careers and affordable housing. A state that is more committed to fighting climate change than ever before.

We have big challenges that demand we take big steps. We are not going back to normal. We are going forward towards a new normal. We are on a path in this legislative session to a more just normal, a healthier normal. And we're not just talking about the pandemic.

These halls may look empty, but when you scratch the surface, there's a robust and incredible story about Washingtonians that is still unfolding. I've been honored to be your governor for the past eight years, which have been part of the story that brought us here.

We're already looking to the future. The aftermath of 2020 alone demands it. More than 3,500 Washingtonians have lost their lives to this pandemic. Many thousands more continue to struggle on their path to recovery from this virus. Families, business owners, workers and students have been

through so much. And there is still a palpable anxiety in the air. However, beneath it all are the ingredients of relief, of recovery and of resilience.

And no matter what has come our way, I am confident, because Washingtonians have risen to the challenge. We have seen remarkable heroism, diligence, and a stalwart commitment in our frontline workers. And we have seen it in all Washingtonians who know they are safer when every one of us is healthy. Washington state is a resilient state. We know how to recover. And this is just not going to stop Washington state's eternal march of progress to a more just and equitable community.

You know, a new year is often when this building's marble corridors come to life with civic discourse. But the last eight years were pre-pandemic. When I first took the oath of office, with Trudi nearby, there was pretty much no elbow room in this rotunda. It was the same in the House chamber four years later. We miss those shared experiences now. And in this era of the internet, we no longer share common sources of truth as we once did. But this pandemic is as big as any shared experience. It gives each of us our own struggles. But a common challenge. Everyone has a COVID story. Even if they or their loved ones were never infected. Everyone has their place in this struggle. We cannot consider ourselves alone in these challenges.

We all share a thirst for more justice. The police-citizen violence we saw in 2020 alone has traumatized the nation. And we need not only conversations but action. Action on truths that have been overlooked for far too long. Our collective consciousness is at a crescendo. Let's ride that wave, head-first. Let's recognize our opportunities for growth, even in these dark times.

We will incorporate equity into how our laws are applied and how our institutions are run, including independent investigations and prosecutions. We owe it to countless Washingtonians who live with the realities of racial injustice every day. And who are less free because of it. So we'll be working to incorporate an equity lens into health care, jobs, education, pollution, and more.

So progress is what we're known for. When I first took the oath in 2013, our state was trying to rebound from the Great Recession. In 2017, my second term began in the midst of one of the strongest economic booms for any state in the nation. Three years later, the COVID-19 pandemic jarred our progress. The pandemic affected our health and our freedoms.

In Washington state, we know how to succeed. We've proven it. So why not do it again? It's time to take back the torch of progress. Our careers, our dreams, our lives; we are getting back on track.

Washington state has continued to lead during the coronavirus pandemic. Together, we have listened to the public health experts. We've worn masks, kept our distance from one another, and we know that has allowed us to bend the curve of this deadly virus down. And let's be real clear about this - because of these actions, we have saved countless lives in Washington through what we've done together. And that's not just the lives of COVID patients, but for anyone who has ongoing medical needs, because everyone's health is at risk in a pandemic. So these life-saving efforts will continue. We will not yield from that commitment.

And we know our state's economy is poised to recover. And what we do now, in the next four years, will shape the future for generations of Washingtonians. Our leaders in the business community proved their mettle in these tough times. Like employee owned Superfeet, a company in Ferndale. They make insoles and footwear, but when COVID hit, they announced they would use their expertise in 3D printing to make 30,000 pieces of personal protective equipment. Then, they blew right passed that estimate. And they made close to 50,000 respirator hoods for their local hospital network and others nationwide. Then they supplied 450,000 medical gowns to health facilities. This kind of entrepreneurial leadership has happened in communities across our state.

We want community-minded entrepreneurs to continue to pursue their dreams in this new world. And we're going to keep helping them. It's why I want to wave increases in the unemployment tax on businesses that never foresaw the mass layoffs that came with this pandemic. While fighting the federal government for more funds and working with the Legislature early to get more money into people's pockets.

Now, we will have come together if we're going to do right by the people suffering most in these times.

That's why we're going to keep supporting small businesses with every resource at our disposal. And when workers lose pay because they're sick or laid off, we're going to help them see them through their struggles. We don't want to see those problems spiral. We're going to get these businesses open. Eventually, we're going to get people back to work. And in the meantime, we are preparing for that day when we can fully reopen the economy. Because at the end of the day, Washington, we know we're not alone. We have each other.

It's in Washingtonians like Cindy Franck, a registered nurse at St. Michael Medical Center in Bremerton. She's on the front lines of our society's struggle against COVID. She and her colleagues didn't know what to expect when COVID first hit, but they've been fighting ever since. Even being shorthanded when dozens of her colleagues were out due to COVID quarantine, she kept working, night and day, caring for a floor of 28 patients with limited staffing.

We have to take care of our medical professionals so they can take care of others. Our wellbeing is at the heart of what makes us free.

We don't want them to be alone. We need to be in solidarity with them. That's why my administration is committed to serving them and reimagining public health for the future. We're going to remove politics from our public health system and make sure local health professionals can focus on people's well-being.

And we know all of our frontline and essential workers have been heroes in this effort – grocery clerks, bus drivers, teachers who are already back in the classroom, and educators who have shown such innovation in remote learning. We're going to make sure people like Cindy will get the resources they need to provide these essential services to all.

You know, we knew before the pandemic, and it's even more important now, that our state's behavioral health system, we knew is outdated. Behavioral health is health care and supporting the wellness and health of

Washingtonians is crucial. The impacts of the pandemic demand we improve this system.

So we're going to make sure people have access to jobs by strengthening the new approaches to career training we know work. The old way of doing things limited people's pathways to jobs. My administration has created more pathways to better livelihoods through our Career Connect program.

More Washingtonians will have stories like Leela Cohen, who participated in Career Connect and will soon get her certified medical assistant credential. She's already working in a Kaiser Permanente clinic in Bothell right now. Where she's needed and much appreciated.

Career Connect helps people like her find opportunity when pathways seem closed. So it's for anybody regardless of age or where they're at in their studies or job search. And Leela's not done yet. She wants to continue to advance her career in the medical profession, and one day open her own clinic.

And we want all our children to have a career. Not just those who go to college. That's why we need Career Connect.

And that includes our young people. We're going to get students back into the classroom. And make sure it's in a safe and a healthy setting for everyone. And we're going to keep at some of the glaring disparities in our education system. We'll continue expanding early childhood education. We are not going to go backwards. We will continue our student financial aid commitments. The most generous in the country. As long as I'm governor, we're going to keep our commitments so that more people can earn degrees, certificates or apprenticeships to get into great jobs and careers.

And I'm looking forward to working with you to remediate the impacts our students have suffered because of this pandemic. This is hard on young people. No one knows that better than our parents and our educators. I know no one today has a single answer. But we just have to provide the support these students need. Whether it's academics, mental health, or nutrition.

Now, there are more issues important to our health as well. We live in a time of great housing insecurity. Tenants and small landlords are facing unprecedented economic challenges. At the same time, home prices continue rising. Keeping quality and affordability for housing elusive for far too many Washingtonians.

That means too many people in Washington state are living in fear of homelessness. We should stand in solidarity with people who live in unsafe or inadequate housing, because we know our fellow Washingtonians are more likely to succeed when they have stable housing.

Whether it's a commitment to our youth who are experiencing homelessness. Or providing mental health or chemical addiction treatment. We're committed to addressing these obvious challenges.

We cannot let the short-term crisis of COVID-19 blind us to the long-term health cataclysm that is climate change. Pollution and climate change also hurt our health. From respiratory diseases to new infectious vectors, to threats from natural disasters directly linked to a changing planet. There was no shortage of evidence for that certainly in 2020. It was one of the worst wildfire seasons on record. Fueled

by blazes of an intensity previously unseen by our firefighters. In places in the west like Bonney Lake; to the east in Malden, where 80 percent of the town's buildings were destroyed. And where recovery continues. Both the virus and climate change have fatal results. Both can be solved through science and our own ingenuity. And we can and we will pursue solutions to both at the same time.

Washington's roaring economy of the last eight years was built on innovation in technology, aviation, agriculture, and clean energy. But climate change threatens to unmake the state that we know and love. From the growing number and intensity of our wildfires to the acidification of our waters and the loss of our snowpack. Which can hit our communities with the double whammy of flooding early in the year followed by drought. So climate change is creating extremes we know that cannot be denied or ignored if we are going to continue to prosper in this great state.

So we are going to recommit ourselves to the cause of environmental justice as well. To address the suffering of disenfranchised communities that have taken the brunt of the immediate impacts of pollution. We're going to see to it that the future of our economy is bright. Led by a clean and renewable energy sector. Our air will be healthier to breathe. Our waters will not be acidified. And during this time, we will create boatloads of jobs. Machinists, engineers, electricians, carpenters, they all have a role to play. So we will have more people making good family wage jobs and we will have a safer, healthier and sustainable environment for our posterity.

Now we know this has been led by the Washington business owners. The Seattle Kraken are building an all-green arena and practice facilities. They'll have the first carbon-neutral hockey arena in the world – covering 94,000 square feet. And Washingtonians made this economic and environmental victory a reality. When you see this stunning building, you're going to see that we can save our environment and prosper at the same time.

You know, moments of great stress reveal things in people. And the people of Washington have shown their strength. We have what it takes to get through these times. We have a tried and true competency for leading change. As we eventually move beyond the coronavirus pandemic, life itself will be different. But we will have more control over our future. So we should embrace what we've learned together. Because we have a choice. We can do things the old ways that we know didn't work, or we can embrace and unleash the knowledge we already have that can accelerate Washington's dynamic future.

Now, the pandemic has also revealed this - the pandemic has had disproportionate impacts on people of color. From

health care to business, labor and education. If we can't help more people, fewer of us will enjoy the blessings of freedom.

Our Latino communities were disproportionately exposed to COVID-19. Our Black communities have demanded equal justice for generations. Yet our systems still haven't addressed it. We have work ahead of us in the next four years. To undo the racial inequities that remain in our economy, in our democracy, and in our systems of law and justice.

So in conclusion, our place in the world as Washingtonians will be remembered by what we start to build here and now in the next several months. Lincoln said it best, he said that "the fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation." And I have total confidence this generation of Washingtonians will take their place in history's hall of honor. I know this deeply because we are vested with a commitment to change, and constant improvement in our state. So let this new era be a time that lifts our hearts. That renews our dreams and ambitions. And that lets us, as Washingtonians, finally embrace the future we've been building up to so far. We all share this struggle. And we should also reap its benefits. Out of the darkness and anxiety of 2020, will come the relief of a new era. Our recovery will be robust and more equitable.

Last year reminded us what matters. Love for our families, our communities, and each other. And we will go forward, Washington, because we are resilient, we are in solidarity, and at the end of the day, we have each other.

Thank you."

The President thanked the Governor for his remarks.

With the consent of the body, the President dissolved the Joint Session.

The Speaker assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted the President of the Senate from the House Chamber.

There being no objection, the House adjourned until 9:55 a.m., January 14, 2021, the 4th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FOURTH DAY

House Chamber, Olympia, Thursday, January 14, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1186 by Representatives Goodman, Senn, Sullivan, Leavitt, Gregerson, Fitzgibbon, Ortiz-Self, Duerr, Tharinger, Macri, Davis, Pollet, Callan, Harris-Talley and Hackney

AN ACT Relating to juvenile rehabilitation; amending RCW 72.01.412, 13.40.020, 13.40.205, 13.40.215, 13.40.220, and 13.04.800; creating new sections; and providing a contingent effective date.

Referred to Committee on Appropriations.

HB 1187 by Representatives Hoff and McEntire

AN ACT Relating to allowing HVAC/refrigeration electricians to perform electrical work on split ductless HVAC systems; adding a new section to chapter 19.28 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1188 by Representatives MacEwen, Young, Abbarno, Barkis and Eslick

AN ACT Relating to providing a business and occupation tax payment deferral to address the economic impacts of the COVID-19 pandemic on businesses in the state; reenacting and amending RCW 82.32.045; and declaring an emergency.

Referred to Committee on Finance.

HB 1189 by Representatives Duerr, Boehnke, Bateman, Sullivan, Fitzgibbon, Walen, Ramel, Springer, Wicks, Slatter, Pollet, Callan and Harris-Talley

AN ACT Relating to tax increment financing; amending RCW 84.55.010; and adding a new chapter to Title 39 RCW.

Referred to Committee on Finance.

HB 1190 by Representatives Boehnke, Young, Santos, Jacobsen and Davis

AN ACT Relating to fostering economic growth in Washington by supporting emerging businesses in the new space economy; and creating new sections.

Referred to Committee on Community & Economic Development.

HB 1191 by Representatives Thai, Bateman, Ryu, Lovick, Kloba, Simmons, Gregerson, Valdez, Peterson, Santos, Fitzgibbon, Ramel, Goodman, Ortiz-Self, Macri, Slatter, Fey, Davis, Pollet, Callan, Harris-Talley, Frame and Hackney

AN ACT Relating to ensuring equity in health coverage; amending RCW 43.71.065; adding a new section to chapter 74.09 RCW; adding a new section to chapter 43.71 RCW; creating new sections; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1192 by Representatives Goodman and Dufault

AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending RCW 7.60.025, 7.60.150, 7.80.120, 8.25.280, 15.58.180, 15.66.017, 15.115.020, 18.106.010, 18.210.130, 19.27.080, 19.27.580, 19.27A.210, 19.405.090, 28B.10.926, 28B.130.010, 34.05.272, 35A.56.010, 36.32.265, 39.04.175, 39.26.265, 39.26.310, 39.34.190, 43.01.225, 43.01.230, 43.01.240, 43.19.623, 43.19.637, 43.19.800, 43.20.050, 43.20.065, 43.21K.010, 43.21K.020, 43.21K.030, 43.30.570, 43.42.070, 43.70.080, 43.70.660, 43.83.350, 43.131.421, 43.131.422, 43.155.070, 46.37.470, 46.55.230, 46.80.020, 47.01.475, 47.28.220, 49.17.270, 49.70.175, 52.12.150, 53.08.470, 54.04.092, 57.08.017, 64.44.010, 69.07.170, 69.48.060, 69.50.511, 69.55.020, 70.79.090, 70.290.050, 70A.45.090, 70A.45.100, 70A.325.070, 70A.325.130, 70A.330.010, 70A.445.020, 70A.530.020, 70A.530.020, 76.04.205, 76.09.905, 77.12.734, 77.60.170, 78.44.050, 78.56.020, 78.56.040, 78.56.100, 78.56.150, 79.100.030, 79.100.050, 79A.05.050, 79A.05.189, 80.01.300, 80.04.110, 80.04.180, 80.28.030, 80.28.110, 80.70.010, 80.70.040, 81.04.010, 81.88.160, 90.44.105, and 26.51.020; reenacting and amending RCW 15.86.020, 18.104.020, 43.19A.010, 46.16A.060, 70.345.010,

70A.345.030, and 80.04.010; reenacting RCW 53.54.030 and 70.97.040; creating a new section; decodifying RCW 1.08.130; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1193 by Representative Hoff

AN ACT Relating to affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement; and amending RCW 90.58.140, 90.58.355, and 90.58.356.

Referred to Committee on Environment & Energy.

HB 1194 by Representatives Ortiz-Self, Senn, Young, Santos, Callan, Morgan, Davis and Harris-Talley

AN ACT Relating to strengthening parent-child visitation during child welfare proceedings; amending RCW 13.34.067, 13.34.136, 13.34.138, and 13.34.065; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Appropriations.

HB 1195 by Representatives Dolan, Walen, Springer, Sullivan, Callan, Stokesbary, Chapman, Dufault and Lovick

AN ACT Relating to extending the time frame for establishing charter schools; and amending RCW 28A.710.150.

Referred to Committee on Education.

HB 1196 by Representatives Riccelli, Callan, Bateman, Ramos, Cody, Ortiz-Self, Duerr, Harris, Leavitt, Bergquist, Shewmake, Fitzgibbon, Macri, Tharinger, Slatter, Davis, Berg, Pollet, Orwall, Harris-Talley and Frame

AN ACT Relating to audio-only telemedicine; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 71.24 RCW; and adding new sections to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

HB 1197 by Representatives Riccelli, Tharinger, Cody, Pollet and Harris-Talley

AN ACT Relating to health care decisions made by a designated person; amending RCW 7.70.065; reenacting and amending RCW 7.70.065; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1198 by Representatives Dent and Orwall

AN ACT Relating to the state commercial aviation coordinating commission; amending 2019 c 396 ss 1-5 (uncodified); providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 1199 by Representatives Corry, Chapman, Davis, Dent and Eslick

AN ACT Relating to providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default; and amending RCW 79.13.420.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1200 by Representatives Caldier, Stokesbary and Eslick

AN ACT Relating to requiring private operation of publicly owned sewerage systems that fail to achieve minimum water quality performance; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Environment & Energy.

HB 1201 by Representatives Riccelli, Macri, Bateman, Sullivan, Kloba, Simmons, Cody, Ramel, Ortiz-Self, Bergquist, Tharinger, Fey, Pollet and Harris-Talley

AN ACT Relating to funding foundational public health services; amending RCW 48.14.060, 70.290.060, and 82.25.015; adding new sections to chapter 48.02 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1202 by Representatives Thai, Davis, Bateman, Ramos, Kloba, Callan, Simmons, Berry, Santos, Ryu, Ramel, Sells, Ortiz-Self, Gregerson, Wicks, Berg, Bergquist, Dolan, Macri, Fey, Pollet, Harris-Talley and Frame

AN ACT Relating to addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive and declaratory relief; and adding a new chapter to Title 7 RCW.

Referred to Committee on Health Care & Wellness.

HB 1203 by Representatives J. Johnson, Harris-Talley, Bateman, Simmons, Gregerson, Valdez, Berry, Riccelli, Santos, Ryu, Ramel, Sells, Ortiz-Self, Goodman, Berg, Dolan, Tharinger, Macri, Fey, Davis, Ramos and Frame

AN ACT Relating to community oversight boards; amending RCW 10.--.--, 35.23.021, 35.27.070, 35A.12.090, and 35A.13.080; adding a new section to chapter 35.22 RCW; adding a new chapter to Title 10 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1204 by Representatives Macri, Chopp, Ramos, Kloba, Simmons, Senn, Berry, Fitzgibbon, Ramel, Duerr, Ortiz-Self, Goodman, Slatter, Bateman, Pollet and Harris-Talley

AN ACT Relating to the electrification of transportation; adding new sections to chapter 47.01 RCW; adding a new section to chapter 46.01 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1205 by Representatives Caldier, Dent and Eslick

AN ACT Relating to payment for medical, dental, and behavioral health care for children in the custody of the department of children, youth, and families; and amending RCW 74.13.031 and 13.34.315.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 1201 which was referred to the committee on Finance.

There being no objection, the House adjourned until 9:55 a.m., January 15, 2021, the 5th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTH DAY

House Chamber, Olympia, Friday, January 15, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

January 13, 2021

Mme. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8402,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 1206 by Representatives Berry, Bronoske, Ramos, Fitzgibbon, Davis, Lovick, Thai, Ortiz-Self, Ormsby, Simmons, Chopp, Callan, Valdez, Macri and Harris-Talley

AN ACT Relating to protecting temporary workers; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1207 by Representatives Ramel, Boehnke, Lekanoff, Lovick, Ortiz-Self, Eslick, Bergquist and Leavitt

AN ACT Relating to improving access to department of licensing issued documents by extending the issuance period of driver licenses and identicards to eight years, allowing online issuance and renewal of instruction permits, and expanding online renewal of driver licenses and identicards; amending RCW 46.20.049, 46.20.055, 46.20.091, 46.20.117, 46.20.120, 46.20.161, 46.20.161, 46.20.181, 46.20.202, and 46.20.505; reenacting and amending RCW 46.20.117; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1208 by Representatives Santos, Steele, Lekanoff, Paul, Callan, Ortiz-Self, Bergquist and Harris-Talley

AN ACT Relating to modifying the learning assistance program to enable school districts to focus on identifying and addressing student academic deficits in basic skills resulting from or exacerbated by the COVID-19 pandemic by granting greater local control over, accountability for, and flexibility with program funds, and to authorize continued flexible use of program funds through the framework of the Washington integrated student supports protocol; amending RCW 28A.300.139, 28A.165.005, 28A.165.015, 28A.165.065, 28A.165.100, 28A.300.130, 28A.305.130, 28A.320.190, and 28A.710.280; adding new sections to chapter 28A.165 RCW; creating new sections; repealing RCW 28A.165.035; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1209 by Representatives Bronoske, Cody, Sells, Walen, Lekanoff, Peterson, Fey, Fitzgibbon, Ryu, Taylor, Shewmake, Santos, Thai, Ortiz-Self, Dolan, Gregerson, Hackney, Callan, Valdez, Riccelli, Macri and Goodman

AN ACT Relating to immunity protection for nonmedical assistance; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1210 by Representatives Morgan, Peterson, Kloba, J. Johnson, Ryu, Santos, Ortiz-Self, Ormsby, Simmons, Gregerson, Riccelli, Macri, Frame and Harris-Talley

AN ACT Relating to replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington; amending RCW 9.01.210, 9.94.041, 9.94A.518, 9.94A.650, 9.96.060, 13.40.0357, 15.13.270, 15.13.270, 15.17.020, 15.49.061, 15.125.010, 15.125.020, 15.125.030, 15.125.040, 15.125.050, 15.140.020, 15.140.100, 15.140.120, 18.170.020, 19.02.110, 20.01.030, 28A.210.325, 28B.20.502, 38.38.762, 42.56.270, 42.56.620,

42.56.625, 42.56.630, 43.05.160, 43.06.490, 43.06.520, 43.21A.735, 43.330.540, 46.20.308, 46.25.120, 46.61.502, 46.61.503, 46.61.504, 46.61.50571, 46.61.5249, 46.61.745, 66.08.050, 69.04.480, 69.07.020, 69.07.200, 69.50.101, 69.50.102, 69.50.204, 69.50.325, 69.50.326, 69.50.327, 69.50.328, 69.50.331, 69.50.334, 69.50.335, 69.50.336, 69.50.339, 69.50.342, 69.50.345, 69.50.346, 69.50.348, 69.50.348, 69.50.351, 69.50.354, 69.50.363, 69.50.366, 69.50.369, 69.50.375, 69.50.378, 69.50.380, 69.50.382, 69.50.385, 69.50.390, 69.50.395, 69.50.401, 69.50.4013, 69.50.4014, 69.50.408, 69.50.410, 69.50.412, 69.50.4121, 69.50.435, 69.50.445, 69.50.450, 69.50.465, 69.50.475, 69.50.505, 69.50.515, 69.50.530, 69.50.535, 69.50.550, 69.50.555, 69.50.560, 69.50.562, 69.50.563, 69.50.564, 69.50.570, 69.50.575, 69.50.580, 69.51.020, 69.51.030, 69.51.060, 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.043, 69.51A.045, 69.51A.050, 69.51A.060, 69.51A.100, 69.51A.210, 69.51A.220, 69.51A.225, 69.51A.240, 69.51A.250, 69.51A.260, 69.51A.270, 69.51A.290, 69.51A.300, 69.51A.310, 79A.60.040, 82.02.010, 82.04.100, 82.04.213, 82.04.260, 82.04.331, 82.04.4266, 82.04.756, 82.08.010, 82.08.020, 82.08.02565, 82.08.0257, 82.08.0273, 82.08.02745, 82.08.0281, 82.08.0288, 82.08.0293, 82.08.820, 82.08.9997, 82.08.9998, 82.12.02565, 82.12.0258, 82.12.0283, 82.12.9997, 82.12.9998, 82.14.430, 82.16.050, 82.25.005, 82.29A.020, 82.84.030, 84.34.410, and 84.40.030; reenacting and amending RCW 69.07.010, 69.50.101, 69.50.345, 69.50.357, 69.50.360, 69.50.372, 69.50.540, 69.51A.010, 69.51A.230, and 70.345.010; adding a new section to chapter 46.04 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Commerce & Gaming.

HB 1211 by Representatives Dye, Graham, Walsh, Eslick, Chambers, Jacobsen, Schmick, Stokesbary and Chase

AN ACT Relating to salmon-safe communities; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1212 by Representatives Gregerson, Taylor, Peterson, Kloba, J. Johnson, Davis, Ortiz-Self, Ormsby, Simmons, Chase, Shewmake, Bergquist, Sells, Callan, Riccelli, Macri, Ramel, Paul, Frame and Harris-Talley

AN ACT Relating to promoting the fair servicing and repair of digital electronic products to increase access to appropriate and affordable digital products, support small businesses and jobs, and enhance digital connectivity in Washington state; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1213 by Representatives Senn, Chopp, Ramos, Bateman, Sells, Shewmake, Lekanoff, Peterson, Stonier, Duerr, Fitzgibbon, Berry, Rule, Davis, Wicks, Fey, Callan, Dolan, Frame, Lovick, Chapman, Ryu, Santos, Thai, Ortiz-Self, Orwall, Simmons, Slatter, Gregerson, Bergquist, Hackney, Valdez, Ramel, Riccelli, Macri, Goodman and Harris-Talley

AN ACT Relating to expanding accessible, affordable child care and early childhood development programs; amending RCW 43.216.075, 43.216.136, 43.216.505, 43.216.512, 43.216.749, 43.216.090, 43.216.578, 43.216.710, 43.216.514, and 43.216.136; reenacting and amending RCW 43.216.010, 28B.50.248, 43.84.092, 43.84.092, and 43.84.092; adding new sections to chapter 43.216 RCW; adding a new section to chapter 43.330 RCW; creating new sections; repealing RCW 43.216.1365; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1214 by Representatives Senn, J. Johnson, Ramos, Dolan, Lovick, Santos, Ortiz-Self, Slatter, Berg, Hackney, Callan, Valdez, Macri and Frame

AN ACT Relating to the provision of K-12 public school safety and security services by classified staff or contractors; amending RCW 28A.320.124; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1215 by Representatives Kraft, Young, McCaslin, Sutherland, Walsh, Graham, McEntire and Chase

AN ACT Relating to providing parents and their children with more choices for a quality K-12 education through the K-12 education scholarship program; amending RCW 83.100.230; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28B.77 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

HB 1216 by Representatives Ramos, Callan, Lekanoff, Fitzgibbon, Kloba, Ortiz-Self, Ormsby, Hackney and Ramel

AN ACT Relating to urban and community forestry; amending RCW 76.15.005, 76.15.007, 76.15.010, 76.15.020, 76.15.030, 76.15.050, 76.15.060, 76.15.090,

35.92.390, 35A.80.040, 80.28.300, 89.08.520, 79.105.150, 43.155.120, 70A.135.070, 79A.15.040, 36.01.260, 54.16.400, 89.08.590, 79.105.630, and 79A.15.150; adding new sections to chapter 76.15 RCW; creating a new section; and repealing RCW 35.105.010, 35.105.020, 35.105.030, 35.105.040, 35.105.050, 35.105.060, 35.105.070, 35.105.080, 35.105.090, 35.105.100, 35.105.110, 35.105.120, 76.15.070, and 76.15.080.

Referred to Committee on Appropriations.

HB 1217 by Representatives Hoff, Goehner, Schmick, Dufault, Chapman and Dent

AN ACT Relating to the retroactivity of overtime claims in exceptional cases; adding a new section to chapter 49.46 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1218 by Representatives Bateman, Simmons, Sells, Lekanoff, Peterson, Stonier, Davis, Taylor, Dolan, Orwall, Cody, Santos, Ortiz-Self, Fitzgibbon, Slatter, Bronoske, Callan, Valdez, Ramel, Riccelli, Macri, Goodman and Harris-Talley

AN ACT Relating to improving the health, safety, and quality of life for residents in long-term care facilities through emergency preparedness, improvements in communications, resident information, and notice of sanctions; amending RCW 18.20.110, 18.51.009, 18.51.091, 18.51.260, 74.42.420, 74.42.460, 70.97.160, 70.128.090, 70.128.130, 70.129.020, 70.129.030, 70.129.040, 70.129.080, 70.129.090, 70.129.110, 70.129.150, and 70.129.180; reenacting and amending RCW 70.129.010; adding new sections to chapter 18.20 RCW; adding new sections to chapter 18.51 RCW; adding new sections to chapter 70.97 RCW; adding new sections to chapter 70.128 RCW; adding new sections to chapter 70.129 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1219 by Representatives Frame, J. Johnson, Ramos, Bateman, Peterson, Fitzgibbon, Davis, Ryu, Fey, Senn, Lovick, Chase, Orwall, Taylor, Santos, Thai, Ortiz-Self, Ormsby, Simmons, Slatter, Berg, Chopp, Bergquist, Callan, Valdez, Macri, Goodman, Tharinger, Harris-Talley, Ybarra and Hackney

AN ACT Relating to the appointment of counsel for youth in dependency court proceedings; amending RCW 13.34.090, 13.34.092, 13.34.100, and 2.53.045; adding new sections to chapter 2.53 RCW; adding a new section to chapter 13.34 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1220 by Representatives Peterson, Macri, Bateman, Ryu, Lekanoff, Fitzgibbon, Kloba, Davis, Lovick, Santos, Ortiz-Self, Simmons, Berg, Hackney, Chopp, Tharinger and Frame

AN ACT Relating to supporting emergency shelters and housing through local planning and development regulations; amending RCW 36.70A.020 and 36.70A.030; reenacting and amending RCW 36.70A.070; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Appropriations.

HB 1221 by Representatives Rule, Bateman, Shewmake, Lekanoff, Senn, Santos, Thai, Ortiz-Self, Ormsby, Callan, Ramel, Riccelli and Macri

AN ACT Relating to standardizing definitions of homelessness to improve access to services; and amending RCW 43.216.505, 13.34.030, 26.44.020, 13.34.065, and 13.34.138.

Referred to Committee on Children, Youth & Families.

HB 1222 by Representatives Goehner, Barkis, Boehnke, Griffey, Sutherland, Young and Dent

AN ACT Relating to making permanent the posting of fuel tax rate information at fuel pumps; and adding a new section to chapter 82.38 RCW.

Referred to Committee on Transportation.

HB 1223 by Representatives Peterson, Simmons, Bateman, Sells, Davis, Lovick, Orwall, Ryu, Ortiz-Self, Senn, Dolan, Fitzgibbon, Ormsby, Gregerson, Hackney, Valdez, Macri and Frame

AN ACT Relating to the uniform electronic recordation of custodial interrogations act; reenacting and amending RCW 9.73.030; adding a new chapter to Title 10 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1224 by Representatives Chambers, Chapman, Jacobsen, Walen, McCaslin, Ybarra, Sutherland, Griffey, Chase and Dent

AN ACT Relating to spring blade knives; amending RCW 9.41.250 and 9.41.280; reenacting and amending RCW 9.41.300; repealing RCW 9.41.251; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1225 by Representatives Stonier, Bateman, Lekanoff, J. Johnson, Davis, Cody, Santos, Thai, Ortiz-Self, Ormsby, Valdez, Riccelli and Tharinger

AN ACT Relating to supporting school-based health centers; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1226 by Representatives Stonier, Berg, Ramos, Kloba, Santos, Ortiz-Self, Gregerson, Bergquist, Valdez, Callan, Riccelli, Macri and Frame

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, 39.36.020, and 28A.530.020; and providing a contingent effective date.

Referred to Committee on Education.

HJR 4200 by Representatives Stonier, Berg, Duerr, Fitzgibbon, Kloba, Chapman, Davis, Senn, Wicks, Santos, Ormsby, Slatter, Gregerson, Bergquist, Hackney, Valdez, Ramel, Callan, Ramos, Riccelli, Macri, Goodman, Frame, Harris-Talley and Dolan

Amending the Constitution to allow a simple majority of voters voting to authorize school district bonds.

Referred to Committee on Education.

SCR 8402 by Senators Liias, Dhingra, Nobles and Saldaña

Extending certain gubernatorial orders issued in response to the COVID-19 state of emergency.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE CONCURRENT RESOLUTION NO. 8402 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

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

MOTION

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8401 was placed on the third reading calendar.

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

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Chris Corry, 14th Legislative District, Washington.

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

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Liias and Short

Establishing cutoff dates for the consideration of legislation during the 2021 regular session of the sixty-seventh legislature.

The resolution was read the third time.

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8401.

With the consent of the House, SENATE CONCURRENT RESOLUTION NO. 8401, was adopted.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8402, by Senators Liias, Dhingra, Nobles and Saldaña.)

Extending certain gubernatorial orders issued in response to the COVID-19 state of emergency.

The resolution was read the second time.

Representative Kraft moved the adoption of amendment (002):

On page 1, beginning on line 12, after "session," strike all material through "leader of" on line 15 and insert "such orders may not be extended unless a special session of the legislature is called and the extension of such orders is approved by a two-thirds vote in both the senate and"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (002).

SPEAKER'S RULING

"Senate Concurrent Resolution 8402 addresses the extension of certain emergency orders issued by the Governor in response to the COVID-19 pandemic. Statutory law requires the adoption of a concurrent resolution to extend the duration of these orders when the legislature is in session.

Amendment (002) strikes the introductory language in the resolution that describes the statutory requirements for authorizing extensions when the legislature is not in session and purports to require a different process.

Statutes cannot be amended by concurrent resolution.

The Speaker therefore finds and rules that the amendment is outside the scope and object of Senate Concurrent Resolution 8402.

The point of order is well taken."

Representative Gilday moved the adoption of amendment (004):

On page 2, beginning on line 13, after "until" strike all material through "43.06.210" on line 14 and insert "11:59 PM on January 31, 2021"

Representatives Gilday, Orcutt and McCaslin spoke in favor of the adoption of the amendment.

Representative Sullivan spoke against the adoption of the amendment.

Amendment (004) was not adopted.

Representative Dent moved the adoption of amendment (003):

On page 2, line 17, after "20-30," strike "20-31,"

On page 2, line 19, after "20-82," strike "and 20-84" and insert "20-84, and 20-31, except for the provisions in Proclamation 20-31 that waive and suspend language in RCW 43.43.837, 43.216.270, 74.15.030, and 13.34.065, which expire sixty days after this resolution becomes effective"

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

Representative Senn spoke against the adoption of the amendment.

Amendment (003) was not adopted.

Representative Walsh moved the adoption of amendment (001):

On page 2, line 18, after "20-48," strike "20-49,"

On page 2, after line 19, insert the following:

"FURTHERMORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That Proclamation 20-49 issued by Governor Jay Inslee in response to the COVID-19 state of emergency is hereby extended until 11:59 PM on February 2, 2021, or until rescinded by gubernatorial or legislative action, whichever occurs first."

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

Representative Ormsby spoke against the adoption of the amendment.

Amendment (001) was not adopted.

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

Representatives Sullivan and Stonier spoke in favor of passage of the resolution.

Representatives Jacobsen, Kraft, Walsh, Dufault, Orcutt, Abbarno, Schmick, Corry, Sutherland, Chambers, Dent, Dye, Boehnke, Maycumber and Wilcox spoke against the passage of the resolution.

The Speaker stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8402.

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8402, and the resolution passed the House by the following vote: Yeas, 54; Nays, 44; Absent, 0; Excused, 0.

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

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

SENATE CONCURRENT RESOLUTION NO. 8402, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 8:30 a.m., January 18, 2021, the 8th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTH DAY

House Chamber, Olympia, Monday, January 18, 2021

The House was called to order at 8:30 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 Jesse Johnson, 30th Legislative District.

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

RESOLUTION

HOUSE RESOLUTION NO. 2021-4601, by Representatives Jinkins, Wilcox, 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, Wylie, Ybarra, and Young

WHEREAS, Today, January 18, 2021, the people of Washington state join the nation in honoring the life and work of Dr. Martin Luther King; and

WHEREAS, Dr. King was born on Tuesday, January 15, 1929, in Atlanta, Georgia, attended a segregated school, entered college at the age of 15, and subsequently dedicated his life to advancing civil rights; and

WHEREAS, Dr. King led not just by words but by deeds, helping organize the Montgomery Bus Boycott, the nonviolent protests in Birmingham, and a massive march on Washington, D.C.; and

WHEREAS, Dr. King traveled over 6,000,000 miles, spoke over 2,500 times, and was imprisoned 29 times for his dream of equality, peace, and economic justice; and

WHEREAS, At the age of 35, Dr. King was the youngest man to have received the Nobel Peace Prize, subsequently donating his prize money to further the civil rights movement; and

WHEREAS, The work of Dr. King was instrumental in the ratification of the 24th Amendment and the passing of the landmark Civil Rights Act of 1964, which outlawed racial discrimination and segregation in voting, public facilities, employment, and education; and

WHEREAS, Dr. King also fought for economic justice and opportunity, and was in Memphis, Tennessee, to support striking workers when he was shot on April 4, 1968; and

WHEREAS, Dr. King wrote, "Let us all hope that the dark clouds of racial prejudice will soon pass away, and the deep fog of misunderstanding will be lifted from our fear-drenched communities and in some not-too-distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all of their scintillating beauty," and he composed this letter of hope and inspiration while behind the iron bars of a Birmingham jail cell; and

WHEREAS, President Ronald Reagan signed a bill in 1983 dedicating the third Monday of each January as a federal holiday to recognize the profound legacy of Reverend Dr. Martin Luther King, Jr.;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of Washington state, honor the life of Dr. Martin Luther King through a renewed commitment to hope, civility, and justice during this time of fear and division; and

BE IT FURTHER RESOLVED, That the House of Representatives call on the people of Washington state to exemplify Dr. King's ideals of nonviolence, democratic participation, fairness, and perseverance on this day and every day to come.

Representative Rude moved adoption of HOUSE RESOLUTION NO. 4601.

Representatives Rude and Harris-Talley spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4601 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) introduced the students from the Institute for Community Leadership, Cing Lam Sang, a senior at Foster High School in Tukwila, Sohani Chaudhary, a sophomore at Kent Meridian High School in Kent and Feruza Sherif, a junior at Kentwood High School in Kent, and thanked them for their video.

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

INTRODUCTION & FIRST READING

HB 1227 by Representatives Ortiz-Self, Callan, Senn, Dolan, Fitzgibbon, Ramos, Davis, Santos, Macri, Gregerson, Young and Ormsby

AN ACT Relating to protecting the rights of families responding to allegations of abuse or neglect of a child; amending RCW 13.34.040, 26.44.056, 26.44.050, 13.34.050, 13.34.062, 13.34.060, 13.34.065, and 13.34.090; and creating new sections.

Referred to Committee on Appropriations.

HB 1228 by Representatives Barkis, Walen, Dent, Hoff, Jacobsen, Chambers, Ryu, Graham, Ybarra, Caldier, MacEwen, Walsh, Chapman, Boehnke, Dolan, Springer, Chandler, Eslick, Robertson and Gilday

AN ACT Relating to residential landlord-tenant requirements in response to the COVID-19 public health emergency; reenacting and amending RCW 59.18.200; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Housing, Human Services & Veterans.

HB 1229 by Representatives Peterson, Dolan, Pollet, Ryu, Berry, Valdez, Fey, Ramel, Ortiz-Self, Bateman, Hackney, Davis, Bergquist, Kloba, Wylie, Lekanoff, Macri, Stonier and Riccelli

AN ACT Relating to assault weapons; adding new sections to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1230 by Representative Stokesbary

AN ACT Relating to requiring formatting changes to the electronic versions of the Revised Code of Washington and the Washington Administrative Code; amending RCW 44.68.100; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1231 by Representatives Young, Jacobsen and Kloba

AN ACT Relating to the traffic lane merge zipper method; amending RCW 46.20.130, 46.82.420, and 46.82.430; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

HB 1232 by Representatives Barkis, Griffey, Eslick, Robertson and Young

AN ACT Relating to planning for affordable housing under the growth management act; amending RCW 36.70A.210; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Local Government.

HB 1233 by Representatives Barkis, Griffey and Eslick

AN ACT Relating to limited areas of more intensive rural development; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Appropriations.

HB 1234 by Representatives Senn, Lovick, Dolan, Pollet, Kirby, Ryu, Berry, Fitzgibbon, Valdez, Frame, Fey, Ramel, Ortiz-Self, Bateman, Hackney, Ramos, Davis, Thai, Bergquist, Peterson, Santos, Kloba, Callan, Cody, Lekanoff, Macri, Slatter, Stonier, Tharinger, Ormsby and Riccelli

AN ACT Relating to prohibiting weapons in state capitol buildings and grounds and certain other governmental buildings and facilities; reenacting and amending RCW 9.41.300; prescribing penalties; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1235 by Representatives Young, Santos, Dolan, Ryu, Leavitt, Caldier, Eslick, Thai, Callan, Rule, Wicks and Pollet

AN ACT Relating to exempting school districts from the state portion of sales and use taxes on school construction; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 1236 by Representatives Macri, Taylor, Dolan, Gregerson, Berry, Fitzgibbon, Frame, Simmons, Ramel, Bateman, J. Johnson, Hackney, Chopp, Thai, Peterson, Santos, Orwall, Ortiz-Self, Ryu, Wicks, Lekanoff, Slatter, Berg, Senn, Harris-Talley, Ormsby and Pollet

AN ACT Relating to protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination; amending RCW 59.18.220 and 59.12.030; reenacting and amending RCW 59.18.030, 59.18.200, and 59.18.230; adding a new section to chapter 59.18 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Housing, Human Services & Veterans.

HB 1237 by Representatives Eslick, Senn, Leavitt, Callan, Ortiz-Self, Rude, Davis, Santos, Rule, Goodman and Riccelli

AN ACT Relating to defining family resource centers; amending RCW 43.330.010; reenacting and amending RCW 74.14C.010 and 43.216.010; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1238 by Representatives Chase, Dolan, Jacobsen, Caldier, Chambers, Sutherland and Klippert

AN ACT Relating to creating the help out Washington state government program to allow Washingtonians to voluntarily contribute to government expenditures; amending RCW 43.79.460; adding a new section to chapter 43.08 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1239 by Representatives Chase, McCaslin, Dent and Sutherland

AN ACT Relating to establishing the new state of Liberty; creating new sections and providing a contingent effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1240 by Representative MacEwen

AN ACT Relating to adding seaplanes to the class of conveyances that may be moored pursuant to RCW 79.105.430; and amending RCW 79.105.430.

Referred to Committee on Environment & Energy.

HB 1241 by Representatives Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley and Pollet

AN ACT Relating to planning under the growth management act; amending RCW 90.58.080 and 90.58.080; reenacting and amending RCW 36.70A.130; providing an effective date; and providing an expiration date.

Referred to Committee on Local Government.

HB 1242 by Representatives Leavitt, Dolan, Lovick, Valdez, Simmons, Ramel, Ortiz-Self, Frame, Shewmake, Ryu, Callan, Wicks, Rule, Lekanoff, Macri, Bronoske, Chopp, Slatter, Ramos, Harris-Talley and Pollet

AN ACT Relating to providing paid administrative leave for health care workers in time of declared public health emergencies; adding a new section to chapter 49.12 RCW; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1243 by Representatives Wicks, Springer, Dolan, Ryu, Fitzgibbon, Simmons, Fey, Ramel, Bateman, Senn, Sells, Davis, Peterson, Wylie, Slatter, Berg and Tharinger

AN ACT Relating to local infrastructure project areas; and amending RCW 39.108.120, 84.55.010, 84.55.015, 84.55.020, 84.55.030, 84.55.120, and 39.108.010.

Referred to Committee on Finance.

HB 1244 by Representatives Mosbrucker, Springer, Dent, Hoff, Kirby, Chapman, Jacobsen, Ybarra, Caldier, Goehner, Eslick, Callan, Walsh, Dufault, Chase, Robertson, Klippert and Goodman

AN ACT Relating to prohibiting civil penalties for first-time violations of standards regulated under emergency proclamations; and amending RCW 49.17.180.

Referred to Committee on Labor & Workplace Standards.

HB 1245 by Representatives Orcutt, Dent, Sutherland, Barkis and Chase

AN ACT Relating to repealing the state estate tax; creating new sections; repealing RCW 83.100.040; and providing an effective date.

Referred to Committee on Finance.

HB 1246 by Representatives Orcutt and Young

AN ACT Relating to allowing a local sales and use tax as a credit against the state sales tax for rural high-speed internet infrastructure without increasing the total sales and use tax rate; and amending RCW 82.14.370.

Referred to Committee on Finance.

HB 1247 by Representatives Orcutt, Caldier, Eslick, Abbarno, Sutherland and Young

AN ACT Relating to allowing an additional property tax exemption for seniors, veterans, and persons with disabilities leasing land in a mobile home park or manufactured housing community; adding a new section to chapter 84.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

HB 1248 by Representatives Orcutt, Caldier, Sutherland and Young

AN ACT Relating to allowing leased land in a mobile home park or manufactured housing community to qualify for the senior, veteran, and persons with disabilities property tax exemption; adding a new section to chapter 84.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

HB 1249 by Representatives Orcutt, Eslick, Sutherland and Barkis

AN ACT Relating to sales tax revenues of transportation projects being used for transportation purposes with at least 70 percent being deposited into the motor vehicle fund; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Appropriations.

HB 1250 by Representatives Orcutt, Ryu, Boehnke, Dufault and Riccelli

AN ACT Relating to designating Washington a purple heart state; adding a new section to chapter 1.20 RCW; adding a new section to chapter 38.40 RCW; adding a new section to chapter 43.60A RCW; adding a new section to chapter 47.04 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1251 by Representatives Orcutt, Dent, Eslick and Robertson

AN ACT Relating to the authorization of wheeled all-terrain vehicles on state highways; and amending RCW 46.09.455.

Referred to Committee on Transportation.

HB 1252 by Representatives Orcutt and Riccelli

AN ACT Relating to creating Mount St. Helens special license plates; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1253 by Representatives Orcutt, Dolan and Eslick

AN ACT Relating to creating special license plates that support working forests; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1254 by Representatives Orcutt, Abbarno, Sutherland and Goodman

AN ACT Relating to improving motorcycle safety by authorizing the use of the right shoulder of limited access roadways; and amending RCW 46.61.608.

Referred to Committee on Transportation.

HB 1255 by Representatives Orcutt and Sutherland

AN ACT Relating to motorcycle steering equipment requirements; and amending RCW 46.37.530.

Referred to Committee on Transportation.

HB 1256 by Representatives Orcutt, Dent and Eslick

AN ACT Relating to direct sales of milk; and adding a new section to chapter 15.36 RCW.

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

HB 1257 by Representatives Orcutt, Lovick and Walsh

AN ACT Relating to prohibiting unjustified employer searches of employee personal vehicles; adding new sections to chapter 49.12 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

HB 1258 by Representatives Frame, Peterson, Dolan, Ryu, Leavitt, Simmons, Jacobsen, Lovick, Taylor, Fitzgibbon, Fey, Ramel, Ortiz-Self, Shewmake, J. Johnson, Bateman, Eslick, Ramos, Davis, Thai, Santos, Chambers, Wylie, Callan, Wicks, Rule, Sutherland, Chase, Macri, Gregerson, Slatter, Berg and Riccelli

AN ACT Relating to the operation, authorization, and permitting of microenterprise home kitchens; adding a new section to chapter 69.07 RCW; adding a new section to chapter 70.54 RCW; adding a new chapter to Title 69 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1259 by Representatives Santos, Dolan, Ryu, Valdez, Fey, Ramel, Ortiz-Self, Hackney, Ramos, Kloba, Callan, Lekanoff, Macri, Gregerson, Slatter, Stonier and Harris-Talley

AN ACT Relating to expanding public contracting opportunities for women and minority business enterprises by increasing the regulatory oversight and accountability of the office of minority and women's business enterprises; amending RCW 39.19.020,

39.19.060, 39.19.080, 39.19.090, 39.19.200, 39.19.250, and 39.04.155; adding a new section to chapter 39.19 RCW; and repealing RCW 39.19.100 and 39.19.110.

Referred to Committee on Appropriations.

HB 1260 by Representatives Wicks, Dolan, Berry, Fitzgibbon, Simmons, Ramel, Ortiz-Self, Bateman, Sells, Lekanoff and Macri

AN ACT Relating to improving the development of the marijuana market by enacting provisions specific to craft cannabis production; adding new sections to chapter 69.50 RCW; and providing an expiration date.

Referred to Committee on Commerce & Gaming.

HB 1261 by Representative Klippert

AN ACT Relating to wildlife harvest reports required by the department of fish and wildlife; amending RCW 77.32.070; and prescribing penalties.

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

HB 1262 by Representatives Klippert and Chase

AN ACT Relating to background investigations of peace officers, reserve officers, and corrections officers; and amending RCW 43.101.010, 43.101.080, 43.101.095, and 43.101.096.

Referred to Committee on Public Safety.

HB 1263 by Representatives Abbarno, Barkis, Dent, McEntire, Mosbrucker, Ybarra, Eslick, Boehnke and Gilday

AN ACT Relating to rural infrastructure; and adding a new chapter to Title 43 RCW.

Referred to Committee on Capital Budget.

HB 1264 by Representatives Thai, Morgan, Senn, Berry, Valdez, Simmons, Ramel, Ortiz-Self, Davis, Peterson, Wylie, Callan, Lekanoff, Macri, Bronoske, Slatter, Ramos, Berg, Harris-Talley, Pollet, Gregerson and Riccelli

AN ACT Relating to establishing an equity impact statement for legislative proposals; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1265 by Representatives Rude, Chapman, Griffey, Walsh, Graham, Eslick, Jacobsen, Chase and Robertson

AN ACT Relating to the presidential primary; amending RCW 29A.56.031, 29A.56.040, and 29A.56.050.

Referred to Committee on State Government & Tribal Relations.

HB 1266 by Representatives Sullivan, Dolan, J. Johnson, Bergquist, Santos, Kloba, Callan and Lekanoff

AN ACT Relating to basic education salary review and rebase; amending RCW 28A.150.412; adding a new section to chapter 28A.150 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1267 by Representatives Entenman, Hackney, Senn, Dolan, Leavitt, Berry, Fitzgibbon, Valdez, Simmons, Ramel, Ortiz-Self, Ramos, Chopp, Davis, Thai, Bergquist, Peterson, Kloba, Callan, Lekanoff, Macri, Goodman, Gregerson, J. Johnson, Lovick, Slatter, Ryu, Berg, Harris-Talley, Sells, Tharinger, Orwall, Pollet, Santos and Ormsby

AN ACT Relating to investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents; amending RCW 10.93.020, 39.26.125, and 10.114.011; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on Appropriations.

HJM 4000 by Representatives Chase, McCaslin, Dent and Sutherland

Petitioning for the creation of a new state in eastern Washington.

Referred to Committee on State Government & Tribal Relations.

HJR 4201 by Representatives Young, Walsh, Dent, Caldier and Sutherland

Amending the state Constitution so that tracking individuals for the purposes of determining taxes or fees is prohibited.

Referred to Committee on Transportation.

HJR 4202 by Representatives Young, Walsh, Dent, Caldier and Sutherland

Amending the state Constitution so that road usage charges are limited in relation to how they may be implemented.

Referred to Committee on Transportation.

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

The Speaker assumed the chair.

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

MESSAGE FROM THE SENATE

January 18, 2021

Mme. SPEAKER:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8401,
SENATE CONCURRENT RESOLUTION NO. 8402,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SENATE CONCURRENT RESOLUTION NO. 8401
SENATE CONCURRENT RESOLUTION NO. 8402

There being no objection, the House adjourned until 9:55 a.m., January 19, 2021, the 9th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINTH DAY

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1268 by Representatives Shewmake, Fitzgibbon and Rule

AN ACT Relating to clarifying the authority of local governments to administer national flood insurance program regulation requirements in the context of fish habitat enhancement projects authorized pursuant to RCW 77.55.181; and amending RCW 77.55.181.

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

HB 1269 by Representatives Kirby, Barkis, Robertson and Chambers

AN ACT Relating to motor vehicle transporter license plates; amending RCW 46.76.030 and 46.76.040; reenacting and amending RCW 46.76.060 and 46.76.065; and providing an effective date.

Referred to Committee on Transportation.

HB 1270 by Representatives Young, Simmons, Sutherland, Eslick, Goodman, Santos and Chambers

AN ACT Relating to an educational grant program to promote confidence, public speaking, and leadership skills in students; adding a new section to chapter 28A.300 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1271 by Representatives Orwall, Goehner, Goodman, Thai, Fey, Pollet and Harris-Talley

AN ACT Relating to ensuring continuity of operations in the offices of county elected officials during the current COVID-19 pandemic and future public health crises; amending RCW 2.32.050, 84.41.041, 38.52.040, 70.54.430, 43.09.230, 65.04.140, 46.20.118, 6.21.030,

House Chamber, Olympia, Tuesday, January 19, 2021

6.21.040, 6.21.050, 6.21.090, 6.21.100, and 84.56.020; reenacting and amending RCW 6.01.060; creating a new section; and providing an effective date.

Referred to Committee on Local Government.

HB 1272 by Representatives Macri, Cody, Fitzgibbon, Davis, Hackney, Thai, Kloba, Rule, Simmons, Pollet, Dolan, Slatter, Riccelli and Harris-Talley

AN ACT Relating to health system transparency; amending RCW 43.70.052, 70.01.040, and 70.41.470; adding a new section to chapter 43.70 RCW; adding a new section to chapter 70.41 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 1273 by Representatives Berg, Caldier, Ramel, Simmons, Taylor, Lovick, Bateman, Senn, Leavitt, Fitzgibbon, Wicks, Berry, Peterson, Goodman, Valdez, Hackney, Thai, Kloba, Frame, Ryu, Bronoske, Macri, Callan, Ormsby, Pollet, Slatter, Harris-Talley and Stonier

AN ACT Relating to menstrual hygiene products in school and postsecondary institution bathrooms; adding a new section to chapter 28A.210 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Appropriations.

HB 1274 by Representatives Hackney, Stokesbary, Robertson, Bateman, Springer, Walen, Leavitt, Berg and Slatter

AN ACT Relating to cloud computing solutions; amending RCW 43.105.020; adding new sections to chapter 43.105 RCW; creating a new section; and repealing RCW 43.105.375.

Referred to Committee on Appropriations.

HB 1275 by Representatives Schmick, Macri, Shewmake, Eslick, Hackney, Chambers, Rule, Leavitt, Harris-Talley and Stonier

AN ACT Relating to nursing facility medicaid rate rebasing, inflation, and case mix; and amending RCW 74.46.485, 74.46.501, and 74.46.561.

Referred to Committee on Appropriations.

HB 1276 by Representatives Bronoske, Lovick, Fitzgibbon, Cody, Hackney, Fey, Macri, Leavitt, Ormsby, Harris-Talley and Stonier

AN ACT Relating to providing for certain emergency medical services personnel to work in diversion centers; and amending RCW 18.73.030 and 18.73.130.

Referred to Committee on Health Care & Wellness.

HB 1277 by Representatives Ormsby, Macri, Ramel, Bateman, Fitzgibbon, Ryu, Senn, Chopp, Berry, Peterson, Davis, Santos, Valdez, Hackney, Thai, Kloba, Sells, Frame, Gregerson, J. Johnson, Pollet, Harris-Talley, Stonier, Taylor and Wicks

AN ACT Relating to an additional revenue source for eviction prevention and housing stability services; amending RCW 43.185C.045, 43.185C.060, and 43.185C.190; adding a new section to chapter 36.22 RCW; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Appropriations.

HB 1278 by Representatives Dent, Eslick, Sutherland, Chandler, Jacobsen, Chase and Barkis

AN ACT Relating to suspending certain licensing requirements for child care providers; amending RCW 43.216.755, 43.216.110, 43.216.255, and 43.216.300; adding a new section to chapter 43.216 RCW; and providing an expiration date.

Referred to Committee on Children, Youth & Families.

HB 1279 by Representatives Rule, Ramel, Bateman, Boehnke, Shewmake, Chapman, Ryu, J. Johnson, Wicks, Senn, Hoff, Walen, Peterson, Hackney, Rude, Callan, Leavitt, Vick and Harris-Talley

AN ACT Relating to modifying the Washington main street program tax incentive to respond to the economic impacts of the COVID-19 pandemic; amending RCW 82.73.030; adding a new section to chapter 82.73 RCW; creating a new section; repealing 2017 3rd sp.s. c 37 s 1406 (uncodified); and providing an expiration date.

Referred to Committee on Finance.

HB 1280 by Representatives Ramel, Duerr, Bateman, Fitzgibbon, Berry, Peterson, Goodman, Hackney, Frame, Macri, Pollet and Harris-Talley

AN ACT Relating to greenhouse gas emissions reductions in the design of public facilities; and amending RCW 39.35.010, 39.35.020, 39.35.030, and 39.35.050.

Referred to Committee on Capital Budget.

HB 1281 by Representatives Walsh and Santos

AN ACT Relating to protecting continuity in the community behavioral health system; adding a new section to chapter 71.24 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1282 by Representatives Simmons, J. Johnson, Hansen, Ramel, Frame, Dolan, Bateman, Fitzgibbon, Ryu, Berry, Peterson, Davis, Hackney, Fey, Thai, Gregerson, Macri, Callan, Ormsby, Pollet, Senn and Ramos

AN ACT Relating to allowed earned time for certain offenses; amending RCW 9.94A.729 and 9.94A.729; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1283 by Representatives Senn, Valdez, Ramel, Bateman, Fitzgibbon, Berry, Peterson, Hackney, Thai, Kloba, Macri, Pollet, Stonier and Harris-Talley

AN ACT Relating to including the open carry or display of weapons within the offense of criminal mischief; amending RCW 9A.84.010; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1284 by Representatives Shewmake, Ramel, Ramos and Pollet

AN ACT Relating to voter-approved fuel tax rates in border area jurisdictions; and amending RCW 82.47.020.

Referred to Committee on Transportation.

HB 1285 by Representatives Ormsby, Ortiz-Self, Santos, Rule, Pollet and Harris-Talley

AN ACT Relating to modifying the business and occupation tax exemption for certain fruit and vegetable businesses; and amending RCW 82.04.4266 and 82.32.534.

Referred to Committee on Finance.

HB 1286 by Representatives Chambers, Riccelli, Jacobsen, Senn, Davis, Ryu, Leavitt and Graham

AN ACT Relating to the psychology interjurisdictional compact; adding a new chapter to Title 18 RCW; and providing a contingent effective date.

Referred to Committee on Health Care & Wellness.

HB 1287 by Representatives Ramel, Hackney, Bateman, Fitzgibbon, Berry, Goodman, Santos, Kloba, Macri, Bergquist, Ormsby and Pollet

AN ACT Relating to preparedness for a zero emissions transportation future; amending RCW 19.280.030 and 19.27.540; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1288 by Representatives Santos, Hackney, Fitzgibbon, Peterson, Valdez, Thai, Fey, Bergquist, Ormsby and Pollet

AN ACT Relating to restoring the fair treatment of underserved groups in public employment, education, and contracting; amending RCW 28B.20.744, 39.10.430, 39.10.450, and 49.04.100; and repealing RCW 49.60.400 and 49.60.401.

Referred to Committee on Civil Rights & Judiciary.

HB 1289 by Representatives Chambers, Kloba, Robertson, J. Johnson, Sutherland, Fitzgibbon, Chandler, Jacobsen, Ybarra, Rude, Boehnke, Barkis and Klicker

AN ACT Relating to winery workforce development; and amending RCW 66.44.318.

Referred to Committee on Commerce & Gaming.

HB 1290 by Representatives Dent, Orcutt, Chandler, Dufault, Sutherland, Hoff, Eslick, Jacobsen, Chambers, Boehnke, Klippert and Graham

AN ACT Relating to the distribution of aircraft fuel tax revenue; amending RCW 82.42.090; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1291 by Representatives Pollet, Ramel, Fitzgibbon, Orwall, Valdez, Ryu, Shewmake and Slatter

AN ACT Relating to establishing a statewide home air quality improvement program; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care & Wellness.

HB 1292 by Representatives Griffey, Mosbrucker, Eslick and Chase

AN ACT Relating to the crime of providing harmful material to a minor; amending RCW 7.90.150, 9.94A.411, 9.94A.501, 9.94A.515, 9.95.062, 9A.44.128, 9A.44.140, 10.64.025, 43.43.754, and 43.43.830; adding a new section to chapter 9.68A RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 1293 by Representatives Simmons, Taylor, Ramel, Bateman, Senn, Peterson, Davis, Santos, Hackney, Ormsby and Pollet

AN ACT Relating to reducing unduly harsh sentences for offenses committed by domestic violence survivors; amending RCW 9.94A.501, 9.94A.535, 9.94A.540, 9.94A.570, 9.94A.640, and 9.96.060; reenacting and amending RCW 9.94A.533; adding new sections to chapter 9.94A RCW; adding a new section to chapter 9.96 RCW; and creating a new section.

Referred to Committee on Public Safety.

HB 1294 by Representatives Goodman, Davis, Macri and Ormsby

AN ACT Relating to misdemeanor supervision services by limited jurisdiction courts; amending RCW 4.24.760, 39.34.180, and 70.48.090; and reenacting and amending RCW 10.64.120.

Referred to Committee on Civil Rights & Judiciary.

HB 1295 by Representatives Callan, Eslick, Ramel, Leavitt, Simmons, Springer, Fitzgibbon, Dolan, Bateman, Shewmake, J. Johnson, Senn, Sutherland, Walen, Peterson, Davis, Goodman, Hackney, Kloba, Fey, Ramos, Frame, Ryu, Macri, Bergquist, Pollet and Stonier

AN ACT Relating to the provision of public education to youth in or released from institutional education facilities; amending RCW 13.04.145; adding new sections to chapter 28A.190 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.190.015 and 28A.190.020; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1296 by Representatives Young, Thai, Robertson and Rule

AN ACT Relating to providing a business and occupation tax preference for behavioral health administrative services organizations; adding a new section to chapter 82.04 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1297 by Representatives Thai, Stokesbary, Ramel, Ryu, Robertson, Leavitt, Bateman, Fitzgibbon, Shewmake, Chapman, J. Johnson, Senn, Frame, Riccelli, Chopp, Wylie, Wicks, Simmons, Boehnke, Berry, Davis, Tharinger, Walsh, Eslick, Goodman, Peterson, Santos, Valdez, Cody,

Chambers, Kloba, Ramos, Kirby, Bronoske, Gregerson, Macri, Callan, Paul, Sells, Bergquist, Ormsby, Pollet, Slatter, Stonier, Taylor and Harris-Talley

AN ACT Relating to the working families tax exemption; amending RCW 82.08.0206; creating new sections; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1298 by Representatives Vick, Springer, Robertson, Chapman, Chambers, Barkis and Shewmake

AN ACT Relating to regulation of accessory dwelling units located outside of urban growth areas; amending RCW 36.70A.697; and creating a new section.

Referred to Committee on Local Government.

HB 1299 by Representatives Vick, Stokesbary, Robertson, Chapman, Sutherland, Walen, Jacobsen, Santos, Chambers and Barkis

AN ACT Relating to providing business and occupation tax relief to the hospitality industry; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1300 by Representatives Thai, Chopp, Ramel, Simmons, Fitzgibbon, Peterson, Davis, Macri, Pollet, Slatter, Stonier and Taylor

AN ACT Relating to documentation and processes governing landlords' claims for damage to residential premises; amending RCW 59.18.260, 59.18.280, 59.18.060, and 59.18.130; reenacting and amending RCW 59.18.030; and creating a new section.

Referred to Committee on Housing, Human Services & Veterans.

HB 1301 by Representatives Fitzgibbon, Hackney, Valdez and Macri

AN ACT Relating to providing expanded options for fare enforcement by regional transit authorities; and amending RCW 7.80.010, 81.112.210, and 81.112.220.

Referred to Committee on Transportation.

HB 1302 by Representatives Berg, Ybarra, J. Johnson, Sutherland, Eslick, Morgan, Bergquist, Paul and Callan

AN ACT Relating to college in the high school programs; amending RCW 28A.600.290, 28A.300.560, 28A.320.196, 28B.10.035, 28B.76.730, and

28B.95.020; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 1303 by Representatives Kloba, Entenman, Ramel, Bateman, Santos, Frame, Gregerson, Ormsby, Pollet and Slatter

AN ACT Relating to the regulation and taxation of the sale of Washingtonian's personal information and related data; amending RCW 82.04.050, 82.04.050, 82.04.192, 82.04.2907, 82.04.460, 82.04.462, 82.08.0291, and 82.32.087; adding new sections to chapter 82.04 RCW; creating a new section; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Finance.

HB 1304 by Representatives Hackney, Berry, Fitzgibbon, Chopp, Macri, Bergquist and Pollet

AN ACT Relating to grade-separated transportation; amending RCW 35.95A.010, 35.95A.020, 35.95A.030, 35.95A.050, 35.95A.060, 35.95A.070, 35.95A.080, 35.95A.110, 35.95A.120, and 35.95A.140; and adding new sections to chapter 35.95A RCW.

Referred to Committee on Local Government.

HB 1305 by Representatives Kraft, Young, Sutherland, Eslick and Chase

AN ACT Relating to the right to refuse vaccines and health-related measures; adding a new section to chapter 70.54 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1306 by Representatives Sells, Santos and Pollet

AN ACT Relating to bond authorization training for school district boards of directors; adding a new section to chapter 28A.525 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1307 by Representatives Hackney, Davis, Fitzgibbon, Bergquist, Ormsby and Pollet

AN ACT Relating to seriousness level I offenses where the offender score is three to five on the drug offense sentencing grid; and amending RCW 9.94A.517.

Referred to Committee on Appropriations.

HB 1308 by Representatives Riccelli, Ramel, Bateman, Fitzgibbon, Valdez, Hackney, Bergquist, Ormsby, Pollet and Slatter

AN ACT Relating to expanding apprenticeship utilization requirements; amending RCW 39.04.320; and providing an effective date.

Referred to Committee on Capital Budget.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

January 14, 2021

HB 1007 Prime Sponsor, Representative Klippert: Concerning the completion of supervised experience through distance supervision. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

January 14, 2021

HB 1009 Prime Sponsor, Representative Thai: Concerning student health plans. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Harris; Maycumber; Rude and Ybarra.

Referred to Committee on Rules for second reading.

January 14, 2021

HB 1031 Prime Sponsor, Representative Walen: Concerning the government issuance of a certificate of birth resulting in stillbirth. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris;

Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 15, 2021

HB 1042 Prime Sponsor, Representative Thai: Revising the international application of the uniform child custody jurisdiction and enforcement act to protect families from facing the death penalty in certain foreign jurisdictions on the basis of religious beliefs, political beliefs, or sexual orientation. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

January 14, 2021

HB 1049 Prime Sponsor, Representative Kirby: Concerning the off-site delivery of a vehicle by a vehicle dealer licensed under chapter 46.70 RCW. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

January 14, 2021

HB 1052 Prime Sponsor, Representative Bateman: Concerning group insurance contract performance standards. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1072 Prime Sponsor, Representative Lekanoff: Removing only one of the restrictions on

the use of civil legal aid funds. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

January 15, 2021

HB 1056 Prime Sponsor, Representative Pollet:
Concerning open public meeting notice

requirements and declared emergencies. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1007, HOUSE BILL NO. 1042 and HOUSE BILL NO. 1056 which were placed on the second reading calendar.

There being no objection, the House adjourned until 9:55 a.m., January 20, 2021, the 10th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TENTH DAY

House Chamber, Olympia, Wednesday, January 20, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1309 by Representatives Eslick, Ramel, Paul and Lekanoff

AN ACT Relating to the dates of certification of levies; amending RCW 84.52.070; and creating a new section.

Referred to Committee on Finance.

HB 1310 by Representatives J. Johnson, Lovick, Ryu, Simmons, Berry, Fitzgibbon, Hackney, Wylie, Sells, Wicks, Cody, Callan, Gregerson, Santos, Senn, Ortiz-Self, Chopp, Davis, Valdez, Dolan, Bateman, Ormsby, Bergquist, Morgan, Ramel, Ramos, Lekanoff, Frame, Harris-Talley, Pollet, Macri and Peterson

AN ACT Relating to permissible uses of force by law enforcement and correctional officers; amending RCW 9A.16.040 and 43.101.450; adding a new section to chapter 43.101 RCW; adding a new chapter to Title 10 RCW; creating a new section; and repealing RCW 10.31.050.

Referred to Committee on Appropriations.

HB 1311 by Representatives Bronoske, Ryu, Simmons, Leavitt, Sells, Berry, Cody, Ortiz-Self, Chopp, Davis, Bateman, Lovick, Callan, Pollet, Macri and Peterson

AN ACT Relating to authorizing the issuance of substance use disorder professional certifications to persons participating in apprenticeship programs; amending RCW 18.205.095 and 18.205.090; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1312 by Representatives Peterson, Simmons, Ramel, Ryu, Fitzgibbon, Hackney, Gregerson, Santos, Senn, Ortiz-Self, Dolan, Davis, Valdez, Bateman, J. Johnson, Ormsby, Bergquist, Morgan,

Lekanoff, Frame, Harris-Talley, Leavitt, Pollet, Callan and Macri

AN ACT Relating to solitary confinement; amending RCW 72.09.015; adding a new section to chapter 72.09 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 36.28A RCW; creating new sections; and providing an effective date.

Referred to Committee on Public Safety.

HB 1313 by Representatives Hackney, Macri, Ramel, Ryu, Berry, Fitzgibbon, Santos, Senn, Davis, Valdez, Bateman, Bergquist, Lekanoff, Pollet and Peterson

AN ACT Relating to local government authority to regulate firearms; reenacting and amending RCW 9.41.300; amending RCW 9.41.300; adding a new section to chapter 9.41 RCW; creating a new section; and repealing RCW 9.41.290.

Referred to Committee on Civil Rights & Judiciary.

HB 1314 by Representatives Young, Lovick, Dufault, Hackney, Bateman, Rule, Lekanoff, Pollet and Callan

AN ACT Relating to veteran diversion from involuntary commitment; reenacting and amending RCW 71.05.153 and 71.05.153; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1315 by Representatives Mosbrucker, Orwall, Ryu, Simmons, Leavitt, Sells, Wylie, Ortiz-Self, Davis, Valdez, J. Johnson, Ormsby, Rule, Lekanoff, Duerr and Goodman

AN ACT Relating to creating a task force to identify the role of the workplace in helping curb domestic violence; creating new sections; and providing expiration dates.

Referred to Committee on Labor & Workplace Standards.

HB 1316 by Representatives Cody, Macri, Duerr, Santos, Bateman and Lekanoff

AN ACT Relating to the hospital safety net assessment; amending RCW 74.60.005, 74.60.020, 74.60.090, and

74.60.901; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1317 by Representatives Young, Kraft, Chase and Sutherland

AN ACT Relating to an individual's right to refuse health-related measures; adding a new section to chapter 70.54 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1318 by Representatives Pollet, Ortiz-Self, Ramel, Simmons, Fitzgibbon, Hackney, Dolan, Taylor, Ryu, Wylie, Santos, Chopp, Davis, Valdez, Lovick, Bergquist, Fey, Berg, Lekanoff, Frame, Harris-Talley, Duerr, Macri and Peterson

AN ACT Relating to providing for equity and access in the community and technical colleges; amending RCW 28B.92.030, 28B.96.010, 28B.15.012, and 82.04.299; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28B.92 RCW; adding a new chapter to Title 28B RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on College & Workforce Development.

HB 1319 by Representatives Corry, Stokesbary, Maycumber, Boehnke, Vick, Chase, Barkis and Sutherland

AN ACT Relating to creating a Washington recovery rebate by temporarily expanding the working families' tax exemption; amending RCW 82.08.0206; and declaring an emergency.

Referred to Committee on Finance.

HB 1320 by Representatives Goodman, Thai, Fitzgibbon, Hackney, Wylie, Gregerson, Senn, Ortiz-Self, Davis, Valdez, Lekanoff, Macri, Slatter and Peterson

AN ACT Relating to modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders; amending RCW 7.-, 7.--, 7.---, 9.41.040, 9.41.075, 9.41.801, 10.99.045, 26.55.010, 26.55.020, 26.55.030, 26.55.040, 26.55.050, 2.28.210, 4.08.050, 4.24.130, 7.77.060, 7.77.080, 9.41.010, 9.41.042, 9.41.070, 9.41.173, 9.94A.411, 9.94A.515, 9.94A.525, 9.94A.637, 9.94A.660, 9.94A.662, 9.94A.703, 9.96.060, 9A.36.041, 9A.40.104, 9A.46.040, 9A.46.060, 9A.46.085, 9A.46.110, 9A.88.170, 9A.88.180, 10.01.240, 10.05.020, 10.05.030, 10.22.010, 10.31.100, 10.66.010, 10.95.020, 10.99.040, 10.99.050, 10.99.090, 11.92.195, 11.130.257, 11.130.335, 12.04.140,

12.04.150, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, 19.220.010, 26.09.003, 26.09.015, 26.09.050, 26.09.060, 26.09.191, 26.09.300, 26.12.260, 26.12.802, 26.26A.470, 26.26B.020, 26.26B.050, 26.28.015, 26.44.020, 26.51.020, 26.52.010, 26.52.070, 36.18.020, 43.43.754, 48.18.550, 49.76.020, 59.18.575, 70.02.230, 70.02.240, 71.09.305, 71.32.090, 71.32.200, 72.09.712, 72.09.714, 74.34.020, 74.34.020, 74.34.110, 7.90.150, and 7.92.160; reenacting and amending RCW 9.41.800, 9.41.300, 9.94A.030, 10.99.020, 36.28A.410, 41.04.655, 43.43.842, 59.18.570, and 71.32.260; adding a new section to chapter 9.41 RCW; adding new sections to chapter 26.55 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 70.123 RCW; adding a new section to chapter 9A.44 RCW; adding a new section to chapter 9A.46 RCW; adding a new chapter to Title 7 RCW; creating a new section; recodifying RCW 26.50.150, 26.50.250, 7.90.150, and 7.92.160; repealing RCW 7.90.005, 7.90.010, 7.90.020, 7.90.030, 7.90.040, 7.90.050, 7.90.052, 7.90.053, 7.90.054, 7.90.055, 7.90.060, 7.90.070, 7.90.080, 7.90.090, 7.90.100, 7.90.110, 7.90.120, 7.90.121, 7.90.130, 7.90.140, 7.90.155, 7.90.160, 7.90.170, 7.90.180, 7.90.190, 7.90.900, 7.92.010, 7.92.020, 7.92.030, 7.92.040, 7.92.050, 7.92.060, 7.92.070, 7.92.080, 7.92.090, 7.92.100, 7.92.110, 7.92.120, 7.92.125, 7.92.130, 7.92.140, 7.92.150, 7.92.170, 7.92.180, 7.92.190, 7.92.900, 7.92.901, 7.94.010, 7.94.020, 7.94.030, 7.94.040, 7.94.050, 7.94.060, 7.94.070, 7.94.080, 7.94.090, 7.94.100, 7.94.110, 7.94.120, 7.94.130, 7.94.140, 7.94.150, 7.94.900, 10.14.010, 10.14.020, 10.14.030, 10.14.040, 10.14.045, 10.14.050, 10.14.055, 10.14.060, 10.14.065, 10.14.070, 10.14.080, 10.14.085, 10.14.090, 10.14.100, 10.14.105, 10.14.110, 10.14.115, 10.14.120, 10.14.125, 10.14.130, 10.14.140, 10.14.150, 10.14.155, 10.14.160, 10.14.170, 10.14.180, 10.14.190, 10.14.200, 10.14.210, 10.14.800, 26.50.010, 26.50.020, 26.50.021, 26.50.025, 26.50.030, 26.50.035, 26.50.040, 26.50.050, 26.50.055, 26.50.060, 26.50.070, 26.50.080, 26.50.085, 26.50.090, 26.50.095, 26.50.100, 26.50.110, 26.50.115, 26.50.120, 26.50.123, 26.50.125, 26.50.130, 26.50.135, 26.50.140, 26.50.160, 26.50.165, 26.50.200, 26.50.210, 26.50.220, 26.50.230, 26.50.240, 26.50.900, 26.50.901, 74.34.115, 74.34.120, 74.34.130, 74.34.135, 74.34.140, 74.34.145, 74.34.150, 74.34.160, 74.34.163, 74.34.210, and 26.10.115; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1321 by Representatives MacEwen, Chapman, Maycumber, Boehnke, Vick, Chase, Klippert, Barkis, Robertson, Eslick, Gilday, Dufault, Chambers, Rude and Stokesbary

AN ACT Relating to safely reopening Washington; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1322 by Representatives Wylie, Harris, Ortiz-Self and Eslick

AN ACT Relating to off-road vehicle and snowmobile registration enforcement; amending RCW 46.09.420, 46.09.400, 46.09.410, 46.09.442, 46.93.210, 46.09.495, and 46.10.505; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Transportation.

HB 1323 by Representatives Tharinger, Macri, Simmons, Fitzgibbon, Cody, Hackney, Santos, Ortiz-Self, Lekanoff and Pollet

AN ACT Relating to the long-term services and supports trust program; amending RCW 50B.04.010, 50B.04.020, 50B.04.050, 50B.04.085, and 50B.04.090; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Health Care & Wellness.

HB 1324 by Representatives McEntire, Young, Chase, Jacobsen, Eslick, Chambers, Griffey and Graham

AN ACT Relating to increasing legislative transparency; adding new sections to chapter 44.04 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1325 by Representatives Callan, Eslick, Leavitt, Fitzgibbon, Thai, Duerr, Senn, Ortiz-Self, Davis, Bergquist, Ramos, Lekanoff, Pollet, Dent and Goodman

AN ACT Relating to implementing policies related to children and youth behavioral health as reviewed and recommended by the children and youth behavioral health work group; and amending RCW 71.24.061 and 74.09.520.

Referred to Committee on Appropriations.

HB 1326 by Representatives Lekanoff, Goodman, Ramel, Orwall, Klippert, Bateman, Lovick and Pollet

AN ACT Relating to coroners and medical examiners; amending RCW 36.16.030, 68.50.104, and 68.50.010; adding new sections to chapter 36.24 RCW; adding a new section to chapter 43.101 RCW; and providing an effective date.

Referred to Committee on Local Government.

HB 1327 by Representatives Dye, Boehnke, Ybarra, Eslick, Chambers and Dent

AN ACT Relating to on-bill disclosures to retail electric customers; adding a new section to chapter 19.29A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1328 by Representatives Pollet and Ryu

AN ACT Relating to exempting information gathered for controlling diseases from public inspecting requirements; and reenacting and amending RCW 42.56.230.

Referred to Committee on State Government & Tribal Relations.

HB 1329 by Representatives Wicks, Pollet, Taylor, Ryu, Wylie, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley and Peterson

AN ACT Relating to public meeting accessibility and participation; amending RCW 42.30.010, 42.30.020, 42.30.030, 42.30.070, 42.30.110, and 42.30.900; adding new sections to chapter 42.30 RCW; and creating new sections.

Referred to Committee on Local Government.

HB 1330 by Representatives Shewmake, Ramel, Berry, Fitzgibbon, Duerr, Lovick, Rule, Lekanoff, Callan, Pollet, Macri and Slatter

AN ACT Relating to providing a retail sales and use tax exemption for the purchase of electric bicycles and related cycling equipment; adding new sections to chapter 82.12 RCW; creating new sections; and providing contingent expiration dates.

Referred to Committee on Finance.

HB 1331 by Representatives Harris-Talley, Senn, Berry, Callan, Fitzgibbon, Wicks, Ortiz-Self, Chopp, Davis, Valdez, Bateman, Eslick, Ormsby, Lovick, Fey, Berg, Rule, Lekanoff, Frame, Duerr, Pollet, Macri, Slatter and Peterson

AN ACT Relating to early learning facility impact fees; and amending RCW 82.02.060.

Referred to Committee on Local Government.

HB 1332 by Representatives Sullivan, Ramel, Leavitt, Dufault, Hackney, Wylie, Santos, Ortiz-Self, Ormsby, Rule, Stokesbary, Callan, Pollet and Macri

AN ACT Relating to property tax deferral during the COVID-19 pandemic; amending RCW 84.56.020; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1333 by Representatives Tharinger, Steele, Hackney and Lekanoff

AN ACT Relating to providing an extension to the local sales and use tax for public facilities in rural counties; and amending RCW 82.14.370.

Referred to Committee on Finance.

HB 1334 by Representatives Stokesbary, Klippert, Caldier, Maycumber, Boehnke, Vick, Schmick, Barkis, Walsh, Robertson, Eslick, Graham, MacEwen, Gilday, Chambers and Jacobsen

AN ACT Relating to making appropriations to revive our economy and accelerate a lasting recovery for Washington; adding a new section to chapter 43.79 RCW; adding a new section to chapter 70.12 RCW; adding a new section to chapter 82.08 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HJR 4203 by Representatives Sutherland, Young, Chase, Dufault and Boehnke

Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes.

Referred to Committee on Finance.

There being no objection, the bills and resolution 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 adjourned until 9:55 a.m., January 21, 2021, the 11th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

ELEVENTH DAY

House Chamber, Olympia, Thursday, January 21, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1335 by Representatives Valdez, Rude, Berry, Fitzgibbon, Morgan, Santos, Shewmake, Davis, Berg, Gilday, Bergquist, Fey, Bateman, Lekanoff, Lovick, Callan, Riccelli, Rule, Pollet, Senn and Harris-Talley

AN ACT Relating to review and property owner notification of recorded documents with unlawful racial restrictions; amending RCW 82.46.010 and 82.46.035; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Appropriations.

HB 1336 by Representatives Hansen, Ybarra, Berry, Simmons, Ramel, Valdez, Leavitt, Morgan, Ryu, Peterson, Shewmake, Davis, Ormsby, Gilday, Stonier, Eslick, Pollet and Harris-Talley

AN ACT Relating to creating and expanding unrestricted authority for public entities to provide telecommunications services to end users; amending RCW 54.16.005, 54.16.330, 54.16.425, 35A.80.010, 53.08.005, and 53.08.370; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.01 RCW; creating a new section; and repealing RCW 54.16.420.

Referred to Committee on Community & Economic Development.

HB 1337 by Representatives Gregerson, Barkis, Fitzgibbon, Chambers, Peterson, Davis, Gilday, Bateman, Callan, Eslick, Young, Harris-Talley and Macri

AN ACT Relating to accessory dwelling units; amending RCW 36.70A.696 and 43.21C.495; adding new sections to chapter 36.70A RCW; adding new sections to chapter 82.14 RCW; creating a new section; and repealing RCW 35.63.210, 35A.63.230, 36.70A.400, 36.70.677, and 43.63A.215.

Referred to Committee on Local Government.

HB 1338 by Representatives Harris, Walen and Eslick

AN ACT Relating to preserving public school resources during the COVID-19 emergency; adding a new section to chapter 28A.320 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1339 by Representatives Young, J. Johnson, Simmons, Valdez, Shewmake and Callan

AN ACT Relating to commemorating Washington state founding father George Washington Bush through art in the internal southern portico of the legislative building; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Community & Economic Development.

HB 1340 by Representatives Lovick, Harris, Fitzgibbon, Ryu, Taylor, Wicks, Dolan, Ramel, Valdez, Leavitt, Goodman, J. Johnson, Chopp, Orwall, Santos, Peterson, Gregerson, Shewmake, Davis, Ormsby, Berg, Bronoske, Duerr, Fey, Bateman, Lekanoff, Senn, Callan, Frame, Pollet, Harris-Talley and Macri

AN ACT Relating to the creation of the statewide pandemic preparation and response task force; adding a new section to chapter 38.52 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1341 by Representatives Bronoske, Walen and Berry

AN ACT Relating to the professional rescue doctrine; amending RCW 80.04.440; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1342 by Representatives Berg, Gregerson, Berry, Wicks, Chopp, Valdez, Morgan, Sells, Fitzgibbon, Orwall, Santos, Ryu, Peterson, Rude, Maycumber, Shewmake, Stokesbary, Ormsby, Lovick, Stonier, Bergquist, Bateman, Lekanoff, Callan, Frame, Riccelli, Pollet and Harris-Talley

AN ACT Relating to eliminating lunch copays for students who qualify for reduced-price lunches; amending RCW 28A.235.160; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

HB 1343 by Representatives Hoff, Stokesbary, Chambers, Corry, Ybarra, Dufault, Barkis, Walen, Dent, Eslick, Dye, Walsh, Schmick, Boehnke and Gilday

AN ACT Relating to providing employer relief in unemployment insurance by relieving COVID-19-related benefit charges, providing contribution relief, making appropriations to rebuild the unemployment trust fund and making clarifying changes; amending RCW 28B.50.030, 50.16.030, 50.20.010, 50.20.020, 50.20.118, 50.20.120, 50.24.014, 50.29.021, 50.29.026, 50.29.027, 50.29.041, 50.29.062, 50.29.063, 50.44.060, and 50.60.110; reenacting and amending RCW 50.20.050 and 50.29.025; adding new sections to chapter 50.04 RCW; adding a new section to chapter 50.60 RCW; adding a new section to chapter 50.24 RCW; creating a new section; repealing RCW 50.20.1201 and 50.20.1202; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1344 by Representatives Hackney, Harris-Talley, Berry, Fitzgibbon, Simmons, Ramel, Walen, Morgan, Santos, Peterson, Davis, Ormsby, Bateman, Frame and Pollet

AN ACT Relating to allowing qualifying persons serving long sentences committed prior to reaching 25 years of age to seek review for possible release from incarceration; amending RCW 9.94A.510, 9.94A.540, 9.94A.570, 9.94A.728, 9.94A.730, and 10.95.030; adding a new section to chapter 10.95 RCW; and creating new sections.

Referred to Committee on Public Safety.

HB 1345 by Representatives Pollet, Cody, Valdez, Orwall, Dolan, Ryu, Lovick, Callan and Frame

AN ACT Relating to protecting public health and safety by enhancing the regulation of products sold to adults age 21 and over; amending RCW 70.345.020, 70.345.030, 70.345.060, 70.345.090, 70.345.160, 70.345.170, 70.345.180, 70.345.190, 82.25.005, 82.25.010, 82.25.020, 82.25.075, 82.25.060, 82.25.080, 82.25.005, 82.25.065, 82.25.075, and 82.25.090; reenacting and amending RCW 70.155.120 and 70.345.010; adding new sections to chapter 70.345 RCW; adding a new section to chapter 82.04 RCW;

adding new sections to chapter 82.25 RCW; adding a new chapter to Title 70 RCW; repealing RCW 70.345.210, 82.25.045, and 82.25.085; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Gaming.

HB 1346 by Representatives Sullivan, Lekanoff and Pollet

AN ACT Relating to treatment and genetic testing for children with seizures, neurological symptoms, and other physical symptoms; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.79 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health Care & Wellness.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

January 28, 2021

HB 1069 Prime Sponsor, Representative Pollet: Concerning local government fiscal flexibility. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Vick and Young.

Referred to Committee on Finance.

February 4, 2021

HB 1089 Prime Sponsor, Representative Ramos: Concerning compliance audits of requirements relating to peace officers and

law enforcement agencies. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

February 4, 2021

HB 1092 Prime Sponsor, Representative Lovick: Concerning law enforcement data collection. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Dye and Schmick.

Referred to Committee on Appropriations.

January 19, 2021

HB 1095 Prime Sponsor, Representative Walen: Concerning the taxation of governmental financial assistance programs addressing the impacts of conditions giving rise to a gubernatorial or presidential emergency proclamation by creating state business and occupation tax and state public utility tax exemptions, a sales and use tax exemption

for the receipt of such financial assistance, and clarifying the sales and use tax obligations for goods and services purchased by recipients of such financial assistance. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

January 19, 2021

HB 1121 Prime Sponsor, Representative Santos: Concerning the emergency waiver of graduation requirements. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McCaslin; McEntire; Rude and Steele.

January 19, 2021

HB 1131 Prime Sponsor, Representative Rude: Concerning the emergency waiver of instructional hours and days at private schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1095, HOUSE BILL NO. 1121 and HOUSE BILL NO. 1131 which were placed on the second reading calendar.

There being no objection, the House adjourned until 9:55 a.m., January 22, 2021, the 12th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWELFTH DAY

House Chamber, Olympia, Friday, January 22, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1347 by Representatives Caldier, Robertson, Davis, Simmons, Senn and Berg

AN ACT Relating to exceptional foster care maintenance payments; amending RCW 74.13.031; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children, Youth & Families.

HB 1348 by Representatives Davis, Schmick, Frame, Leavitt, Simmons, Valdez, Fitzgibbon, Orwall, Ortiz-Self, Slatter, Caldier, Stonier, Peterson, Ramel, Goodman, Taylor, Sutherland, Ryu, Hackney, Lovick, Barkis, Pollet, Macri, Callan, Santos, Ormsby, Tharinger, Riccelli, Lekanoff, Harris-Talley and Harris

AN ACT Relating to the provision of medical assistance to incarcerated persons; amending RCW 74.09.670; creating a new section; and providing a contingent effective date.

Referred to Committee on Appropriations.

HB 1349 by Representatives Davis, Caldier, Frame, Leavitt, Simmons, Paul, Fitzgibbon, Orwall, Shewmake, Ortiz-Self, Slatter, Peterson, Senn, Ramel, Taylor, Ryu, Duerr, Barkis, Pollet, Chopp, Macri, Callan, Ormsby and Harris

AN ACT Relating to peer specialists; amending RCW 18.130.040; reenacting and amending RCW 18.130.040, 18.130.175, and 43.43.842; adding new sections to chapter 71.24 RCW; adding a new chapter to Title 18 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1350 by Representatives Bateman, Taylor, Ortiz-Self, Peterson, Hackney, J. Johnson, Ryu, Shewmake, Gregerson, Chapman, Riccelli and Harris-Talley

AN ACT Relating to providing a property tax exemption for limited equity cooperative housing; adding a new section to chapter 84.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

HB 1351 by Representatives Kirby, Vick, Shewmake, Ryu, Sutherland, Duerr, Hackney, Walen, Young, Santos and Harris-Talley

AN ACT Relating to reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances; and amending RCW 48.18.545 and 48.19.035.

Referred to Committee on Consumer Protection & Business.

HB 1352 by Representatives Taylor, Riccelli, J. Johnson, Shewmake, Simmons, Valdez, Davis, Fitzgibbon, Ortiz-Self, Ryu, Peterson, Ramel, Walen, Macri, Lekanoff, Berg and Harris-Talley

AN ACT Relating to establishing a task force on unclaimed property; creating a new section; and providing an expiration date.

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.

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

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

The House was called to order by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Ed Orcutt, 20th Legislative District.

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

REPORTS OF STANDING COMMITTEES

Referred to Committee on Rules for second reading.

February 4, 2021

January 19, 2021

HB 1016 Prime Sponsor, Representative Morgan:
Making Juneteenth a legal holiday.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

Referred to Committee on Appropriations.

February 19, 2021

HB 1033 Prime Sponsor, Representative Leavitt:
Concerning the Washington customized
employment training program. Reported
by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Finance.

January 21, 2021

HB 1051 Prime Sponsor, Representative Pollet:
Adding a faculty member to the board of
regents at the research universities.
Reported by Committee on College &
Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Hansen; Kraft; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hoff and Sutherland.

HB 1053 Prime Sponsor, Representative Peterson:
Delaying the implementation of restrictions
on carryout bags. Reported by Committee
on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

January 19, 2021

HB 1055 Prime Sponsor, Representative Berg:
Extending the expiration date for reporting
requirements on timber purchases.
Reported by Committee on Rural
Development, Agriculture & Natural
Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

January 20, 2021

HB 1063 Prime Sponsor, Representative Harris:
Allowing additional renewals for
behavioral health professional trainee and
associate credentials. Reported by
Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

January 20, 2021

HB 1074 Prime Sponsor, Representative Peterson:
Concerning overdose and suicide fatality
reviews. Reported by Committee on
Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis;

Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1119 Prime Sponsor, Representative Jacobsen: Notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

January 20, 2021

HB 1141 Prime Sponsor, Representative Rude: Increasing access to the death with dignity act. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Assistant Ranking Minority Member; Maycumber and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1053 and HOUSE BILL NO. 1063 which were placed on the second reading calendar.

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

SECOND READING

HOUSE BILL NO. 1095, by Representatives Walen, Boehnke, Ryu, Leavitt, Corry, Wicks, Tharinger, Ortiz-Self, Callan, Graham, Fey, Frame, Stokesbary, Orwall, Rule, Bergquist and Pollet

Concerning the taxation of governmental financial assistance programs addressing the impacts of conditions giving rise to a gubernatorial or presidential emergency proclamation by creating state business and occupation tax and state public utility tax exemptions, a sales and use tax exemption for the receipt of such financial assistance, and clarifying the sales and use tax obligations for goods and services purchased by recipients of such financial assistance.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1095 was substituted for House Bill No. 1095 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1095 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 Walen, Boehnke, Frame, Chambers and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1095.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1095, 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 HOUSE BILL NO. 1095, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1056, by Representatives Pollet, Goehner, Kloba, Lekanoff, Leavitt, Senn, Callan and Fey

Concerning open public meeting notice requirements and declared emergencies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1056 was substituted for House Bill No. 1056 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1056 was read the second time.

Representative Goehner moved the adoption of amendment (005):

On page 5, line 21, after "district" insert ", city, or town"

On page 5, line 22, after "district" insert ", city, or town"

On page 5, line 24, after "district" insert ", city, or town"

On page 5, line 32, after "district's" insert ", city's, or town's"

On page 5, line 34, after "district's" insert ", city's, or town's"

Representatives Goehner and Pollet spoke in favor of the adoption of the amendment.

Amendment (005) was adopted.

The bill was ordered engrossed.

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

Representatives Pollet, Goehner and Kraft 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 House Bill No. 1056.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1056, 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 SUBSTITUTE HOUSE BILL NO. 1056, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1042, by Representatives Thai, Walen, Ortiz-Self, Lekanoff, Gregerson, Callan, Frame, Santos and Macri

Revising the international application of the uniform child custody jurisdiction and enforcement act to protect families from facing the death penalty in certain foreign jurisdictions on the basis of religious beliefs, political beliefs, or sexual orientation.

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 Thai and Walsh spoke in favor of the passage of the bill.

Representative 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 House Bill No. 1042.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1042, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, 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, 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, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft, McCaslin and Sutherland.

HOUSE BILL NO. 1042, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1007, by Representatives Klippert, Slatter, Graham and Macri

Concerning the completion of supervised experience through distance supervision.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1007 was substituted for House Bill No. 1007 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1007 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 Klippert and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1007.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1007, 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 HOUSE BILL NO. 1007, 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:

HOUSE BILL NO. 1049
HOUSE BILL NO. 1052

There being no objection, the House adjourned until 9:55 a.m., January 25, 2021, the 15th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTEENTH DAY

House Chamber, Olympia, Monday, January 25, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1353 by Representatives Maycumber, Chapman, Jacobsen and Boehnke

AN ACT Relating to improving the equitable access to the main street program; amending RCW 82.73.010 and 43.360.030; and adding a new section to chapter 82.73 RCW.

Referred to Committee on Community & Economic Development.

HB 1354 by Representatives Mosbrucker, Orwall, Davis, Ramos, Callan, Berry, Valdez, Jacobsen, Bergquist, Dent and Pollet

AN ACT Relating to suicide review teams; amending RCW 70.02.050; adding a new section to chapter 43.70 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1355 by Representatives Dent, Chandler, Boehnke, Lovick, Dye, Fitzgibbon, Klippert, Jacobsen and Schmick

AN ACT Relating to noxious weeds; and amending RCW 17.10.010, 17.10.030, 17.10.050, 17.10.060, 17.10.070, 17.10.074, 17.10.100, 17.10.140, 17.10.145, 17.10.205, 17.10.235, 17.10.240, 17.10.890, 17.04.240, and 79.44.003.

Referred to Committee on Appropriations.

HB 1356 by Representatives Lekanoff, Dolan, Davis, Ramos, Fitzgibbon, Callan, Simmons, Lovick, Berg, Ormsby, Bateman, Bergquist, Goodman, Macri, Ramel, Harris-Talley and Pollet

AN ACT Relating to prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names; adding a

new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

HB 1357 by Representatives Mosbrucker, Gregerson, Chase and Berry

AN ACT Relating to voters' pamphlets for overseas and service voters; amending RCW 29A.32.010, 29A.32.260, and 29A.72.025; and creating new sections.

Referred to Committee on Appropriations.

HB 1358 by Representatives Orcutt, Walsh, Dufault and Jacobsen

AN ACT Relating to providing property tax relief by reducing both parts of the state school levies based on an amount that approximates the fiscal impact of extraordinary growth in property values that exceeded the valuation growth assumptions of budget writers when part two of the state school levy was enacted; amending RCW 84.52.065 and 84.55.010; and creating a new section.

Referred to Committee on Finance.

HB 1359 by Representatives Stonier, MacEwen, Robertson, Shewmake, Ormsby and Macri

AN ACT Relating to temporarily reducing liquor license fees; amending RCW 66.24.420, 66.24.590, 66.24.600, 66.24.655, and 66.24.690; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1360 by Representatives Klippert and Chase

AN ACT Relating to counting mailed ballots that are missing postmarks; and reenacting and amending RCW 29A.40.110.

Referred to Committee on State Government & Tribal Relations.

HB 1361 by Representatives Klippert and Chase

AN ACT Relating to the timely mailing of ballots by county auditors; and amending RCW 29A.40.070.

Referred to Committee on State Government & Tribal Relations.

HB 1362 by Representatives Duerr, Pollet, Ramos, Fey, Fitzgibbon, Callan, Ryu, Senn, Bateman, Goodman, Macri, Ramel and Harris-Talley

AN ACT Relating to modifying the annual regular property tax revenue growth limit; amending RCW 84.55.005; creating a new section; and repealing RCW 84.55.0101.

Referred to Committee on Finance.

HB 1363 by Representatives Ortiz-Self, Callan, Davis, Ramos, Simmons, Berg, Morgan, Bergquist, Harris-Talley and Pollet

AN ACT Relating to policies and resources to address secondary traumatic stress in the K-12 workforce; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.400 RCW; and creating a new section.

Referred to Committee on Education.

HB 1364 by Representatives Young, Kloba, Chase and Jacobsen

AN ACT Relating to addressing the impacts of pinnipeds on populations of threatened southern resident orca prey; creating new sections; and declaring an emergency.

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

HB 1365 by Representatives Gregerson, Stonier, Ramos, Callan, Simmons, J. Johnson, Taylor, Lovick, Leavitt, Ortiz-Self, Berg, Fitzgibbon, Ryu, Morgan, Wicks, Tharinger, Duerr, Ormsby, Hansen, Berry, Dolan, Valdez, Cody, Bronoske, Senn, Bateman, Bergquist, Kloba, Riccelli, Davis, Macri, Ramel, Harris-Talley, Pollet and Sells

AN ACT Relating to procuring and supporting appropriate computers and devices for public school students and instructional staff; amending RCW 28A.650.020, 28A.635.060, 28A.650.010, and 82.32.145; reenacting and amending RCW 28A.650.015; adding new sections to chapter 28A.650 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; adding a new chapter to Title 82 RCW; creating a new section; repealing RCW 28A.650.025 and 28A.650.030; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

HB 1366 by Representatives Caldier and Chase

AN ACT Relating to requiring school districts to prioritize the resumption of in-person instruction to certain students following an emergency; adding a new section to chapter 28A.320 RCW; and declaring an emergency.

Referred to Committee on Education.

HB 1367 by Representatives Ormsby, Bergquist, Ramos, Callan, Gregerson, Simmons, Berry, Sullivan, Leavitt, Kloba, Macri, Ramel and Harris-Talley

AN ACT Relating to revising 2019-2021 fiscal biennium appropriations of state and federal funding for previously implemented medicaid rates and other medicaid expenditures in the developmental disabilities and long-term care programs in response to the COVID-19 pandemic; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1368 by Representatives Ormsby, Macri, Ramos, Callan, Gregerson, Berry, Sullivan, Leavitt, Duerr, Bergquist, Kloba, Riccelli, Ramel, Harris-Talley and Pollet

AN ACT Relating to responding to the COVID-19 pandemic through state actions supported by federal funding; adding a new section to chapter 43.70 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1369 by Representatives Bronoske, Sells, Davis, Ryu, Fey, Fitzgibbon, Gregerson, Simmons, Berry, Wicks, Bateman, Goodman, Macri, Ramel, Harris-Talley and Pollet

AN ACT Relating to establishing wage liens; amending RCW 36.18.016 and 49.48.086; adding new sections to chapter 43.24 RCW; adding a new chapter to Title 60 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1370 by Representatives Callan, Shewmake, Davis, Ramos, Leavitt, Duerr, Senn, Wicks, Chopp, Bateman, Kloba, Macri, Ramel, Harris-Talley, Pollet, Rule and Goodman

AN ACT Relating to early learning facilities; amending RCW 43.31.577, 43.31.565, and 43.185.050; adding a new section to chapter 43.31 RCW; and providing a contingent effective date.

Referred to Committee on Capital Budget.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

February 18, 2021

HB 1015 Prime Sponsor, Representative Maycumber: Creating the Washington equitable access to credit act. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Consumer Protection & Business. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Finance.

January 21, 2021

HB 1068 Prime Sponsor, Representative Dolan: Exempting election security information from public records disclosure. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member and Graham.

MINORITY recommendation: Without recommendation. Signed by Representative Volz, Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 20, 2021

HB 1129 Prime Sponsor, Representative Valdez: Concerning the licensure of international medical graduates. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member Caldier, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 22, 2021

HB 1159 Prime Sponsor, Representative Berg: Concerning the number of fire protection district commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

January 21, 2021

HB 1165 Prime Sponsor, Representative Ryu: Concerning the Washington credit union act. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

January 22, 2021

HB 1192 Prime Sponsor, Representative Goodman: Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., January 26, 2021, the 16th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTEENTH DAY

House Chamber, Olympia, Tuesday, January 26, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1371 by Representatives Sutherland, Chase, Walsh and McCaslin

AN ACT Relating to eliminating the state property tax levies over four years; amending RCW 84.52.065; and creating a new section.

Referred to Committee on Finance.

HB 1372 by Representatives Lekanoff, Shewmake, Peterson, Dolan, J. Johnson, Slatter, Cody, Fitzgibbon, Lovick, Sells, Wicks, Kloba, Taylor, Valdez, Bateman, Wylie, Santos, Ormsby, Senn, Leavitt, Ybarra, Goodman, Ramel, Gregerson, Macri, Callan, Fey, Ramos, Pollet, Ryu, Berg and Simmons

AN ACT Relating to replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr.; adding a new section to chapter 43.08 RCW; creating new sections; and providing a contingent expiration date.

Referred to Committee on Appropriations.

HB 1373 by Representatives Callan, Steele, Ortiz-Self, Dolan, J. Johnson, Slatter, Bergquist, Leavitt, Davis, Fey, Simmons, Berry, Thai, Wicks, Ryu, Kloba, Chambers, Berg, Wylie, Santos, Paul, Ormsby, Ramel, Macri, Pollet, Morgan and Harris-Talley

AN ACT Relating to promoting student access to information about behavioral health resources; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

HB 1374 by Representatives Walsh, J. Johnson, Chase and Lovick

AN ACT Relating to creating Patches pal special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1375 by Representatives Walen, Fitzgibbon, Bateman and Pollet

AN ACT Relating to protecting public health by prohibiting certain activities related to fur production; amending RCW 16.72.010; adding a new section to chapter 16.72 RCW; creating a new section; repealing RCW 16.72.020, 16.72.030, and 16.72.040; prescribing penalties; and providing an effective date.

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

HB 1376 by Representative Fey

AN ACT Relating to registration of land titles; creating new sections; repealing RCW 65.12.005, 65.12.010, 65.12.015, 65.12.020, 65.12.025, 65.12.030, 65.12.035, 65.12.040, 65.12.050, 65.12.055, 65.12.060, 65.12.065, 65.12.070, 65.12.080, 65.12.085, 65.12.090, 65.12.100, 65.12.110, 65.12.120, 65.12.125, 65.12.130, 65.12.135, 65.12.140, 65.12.145, 65.12.150, 65.12.155, 65.12.160, 65.12.165, 65.12.170, 65.12.175, 65.12.180, 65.12.190, 65.12.195, 65.12.200, 65.12.210, 65.12.220, 65.12.225, 65.12.230, 65.12.235, 65.12.240, 65.12.245, 65.12.250, 65.12.255, 65.12.260, 65.12.265, 65.12.270, 65.12.275, 65.12.280, 65.12.290, 65.12.300, 65.12.310, 65.12.320, 65.12.330, 65.12.340, 65.12.350, 65.12.360, 65.12.370, 65.12.375, 65.12.380, 65.12.390, 65.12.400, 65.12.410, 65.12.420, 65.12.430, 65.12.435, 65.12.440, 65.12.445, 65.12.450, 65.12.460, 65.12.470, 65.12.480, 65.12.490, 65.12.500, 65.12.510, 65.12.520, 65.12.530, 65.12.540, 65.12.550, 65.12.560, 65.12.570, 65.12.580, 65.12.590, 65.12.600, 65.12.610, 65.12.620, 65.12.630, 65.12.635, 65.12.640, 65.12.650, 65.12.660, 65.12.670, 65.12.680, 65.12.690, 65.12.700, 65.12.710, 65.12.720, 65.12.730, 65.12.740, 65.12.750, 65.12.760, 65.12.770, 65.12.780, 65.12.790, 65.12.800, and 65.12.900; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1377 by Representatives Klippert, Chase, Sutherland, Young, Dent and Walsh

AN ACT Relating to ending vote by mail and restoring in-person voting at polling places; amending RCW 29A.04.008, 29A.04.019, 29A.04.031, 29A.04.223, 29A.04.611, 29A.08.140, 29A.08.410, 29A.08.620, 29A.08.810, 29A.08.810, 29A.12.085, 29A.12.120, 29A.12.160, 29A.32.241, 29A.36.220, 29A.40.010, 29A.40.020, 29A.40.050, 29A.40.070, 29A.40.091, 29A.40.100, 29A.40.130, 29A.40.160, 29A.40.170, 29A.40.180, 29A.60.050, 29A.60.110, 29A.60.120, 29A.60.165, 29A.60.170, 29A.60.190, 29A.60.235, 29A.60.290, 29A.84.510, 29A.84.520, 29A.84.540, 29A.84.545, and 29A.84.550; reenacting and amending RCW 29A.40.110; adding a new section to chapter 29A.04 RCW; adding new sections to chapter 29A.16 RCW; adding new sections to chapter 29A.40 RCW; adding a new chapter to Title 29A RCW; creating a new section; repealing 2011 c 10 s 85 (uncodified); prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 1378 by Representatives Ybarra, Cody and Dolan

AN ACT Relating to the supervision of medical assistants; amending RCW 18.360.010; reenacting and amending RCW 18.360.010; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1379 by Representatives Lovick, Boehnke, Sutherland, Ryu and Dent

AN ACT Relating to establishing an unpiloted aircraft system state coordinator and program funding source; amending RCW 47.68.250, 47.68.250, and 47.68.020; adding a new section to chapter 47.68 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1380 by Representatives Dufault, Springer, Steele, Mosbrucker, Sutherland, Dent and Walsh

AN ACT Relating to restoring the business and occupation and public utility tax exemption for custom farming and hauling farm products; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1381 by Representatives Kraft, Chase, Sutherland, Young, Walsh, McCaslin, Boehnke, Jacobsen, Orcutt and Klicker

AN ACT Relating to limiting the governor's emergency powers, ensuring legislative balance of power, and

regulating government agency emergency authority; amending RCW 43.06.210, 43.06.220, and 34.05.350; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1382 by Representatives Tharinger, Dolan, Fitzgibbon, Wylie, Hackney and Callan

AN ACT Relating to streamlining the environmental permitting process for salmon recovery projects; adding a new section to chapter 77.55 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1383 by Representatives Taylor, Stonier, Dolan, J. Johnson, Leavitt, Simmons, Berry, Fitzgibbon, Sells, Ryu, Berg, Ormsby, Macri and Morgan

AN ACT Relating to respiratory care practitioners; amending RCW 18.89.010, 18.89.040, 18.89.050, and 18.89.090; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1384 by Representatives Klippert, Rude, Mosbrucker, Chase, Young, Dent, Walsh and Jacobsen

AN ACT Relating to the seriousness levels of rape of a child and child molestation offenses; and amending RCW 9.94A.515.

Referred to Committee on Public Safety.

HB 1385 by Representatives Goehner, Steele, Chandler, Dent and Pollet

AN ACT Relating to limiting transfers of water rights out of their original water resource inventory area; amending RCW 90.44.100; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.42 RCW; and creating a new section.

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

HB 1386 by Representatives Wicks, Dolan, Lovick, Sells, Berg and Hackney

AN ACT Relating to modifying the property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas; and amending RCW 84.25.030, 84.25.040, 84.25.080, and 84.25.130.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

January 22, 2021

HB 1019 Prime Sponsor, Representative Kloba:
Allowing residential marijuana agriculture.
Reported by Committee on Commerce &
Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Kirby; Morgan; Vick and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Assistant Ranking Minority Member and Chambers.

Referred to Committee on Appropriations.

February 9, 2021

HB 1022 Prime Sponsor, Representative MacEwen:
Modifying Washington state horse racing
commission provisions. Reported by
Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

January 22, 2021

HB 1054 Prime Sponsor, Representative Johnson, J.:
Establishing requirements for tactics and
equipment used by peace officers.
Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority

Member; Klippert, Assistant Ranking Minority Member; Graham and Griffey.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

January 21, 2021

HB 1078 Prime Sponsor, Representative Simmons:
Restoring voter eligibility for all persons
convicted of a felony offense who are not
in total confinement under the jurisdiction
of the department of corrections. Reported
by Committee on State Government &
Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1091 Prime Sponsor, Representative Fitzgibbon:
Reducing greenhouse gas emissions by
reducing the carbon intensity of
transportation fuel. Reported by
Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick; Springer and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Sullivan.

Referred to Committee on Appropriations.

January 21, 2021

HB 1100 Prime Sponsor, Representative Duerr:
Concerning the sale or lease of
manufactured/mobile home communities
and the property on which they sit.
Reported by Committee on Housing,
Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Leavitt and Thai.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Appropriations.

January 22, 2021

HB 1108 Prime Sponsor, Representative Orwall:
Maintaining funding and assistance for
homeowners navigating the foreclosure
process. Reported by Committee on Civil
Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

January 22, 2021

HB 1171 Prime Sponsor, Representative Walen:
Amending child support income

withholding provisions to comply with federal child support program requirements. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1108 which was placed on the second reading calendar.

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

MOTION

With the consent of the House, HOUSE BILL NO. 1053 was referred to the Committee on Rules.

There being no objection, the House adjourned until 9:55 a.m., January 27, 2021, the 17th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTEENTH DAY

House Chamber, Olympia, Wednesday, January 27, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1387 by Representatives Chapman, Orcutt, Leavitt and J. Johnson

AN ACT Relating to changing the expiration date for the sales and use tax exemption of hog fuel to protect jobs with health care and retirement benefits in economically distressed communities; amending RCW 82.08.956, 82.12.956, and 82.32.605; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HB 1388 by Representatives Kloba, Bateman, Ramel, Lekanoff, Chopp and Slatter

AN ACT Relating to motor vehicle sales; amending RCW 46.96.185 and 46.70.180; and reenacting and amending RCW 46.96.020.

Referred to Committee on Consumer Protection & Business.

HB 1389 by Representatives Corry and Eslick

AN ACT Relating to transportation; adding a new chapter to Title 46 RCW; repealing RCW 48.175.005, 48.175.010, 48.175.020, 48.175.030, and 48.175.900; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1390 by Representatives Walsh, Wicks, Boehnke, Mosbrucker, Jacobsen, Chambers, Corry, McCaslin, Eslick, Dufault and Lekanoff

AN ACT Relating to assisting Washington student athletes by prioritizing athletic scholarship funding; adding a new section to chapter 28B.10 RCW; creating a new section; and providing an expiration date.

Referred to Committee on College & Workforce Development.

HB 1391 by Representatives Goehner, Senn and Pollet

AN ACT Relating to prime contractor bidding submission requirements on public works contracts; and amending RCW 39.30.060.

Referred to Committee on Capital Budget.

HB 1392 by Representatives Maycumber, Lovick, Leavitt, Taylor, J. Johnson, Rule, Slatter, Dolan and Eslick

AN ACT Relating to establishing a pilot project for mobile mental health crisis intervention; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1393 by Representatives Shewmake, Ramel, Lekanoff and Duerr

AN ACT Relating to delaying certain implementation dates for the photovoltaic module stewardship and takeback program; and reenacting and amending RCW 70A.510.010.

Referred to Committee on Environment, Energy & Technology.

HB 1394 by Representatives Young, Chase and Sutherland

AN ACT Relating to unlawful discharge of a laser offenses; amending RCW 9A.49.020, 9A.49.030, 9A.49.040, and 9.94A.515; reenacting and amending RCW 9.94A.533 and 9.94A.030; adding a new section to chapter 9A.49 RCW; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 1395 by Representatives Morgan, Ramos, Ormsby, Valdez, Kloba, Simmons, Ortiz-Self, Shewmake, Ramel, Paul, Fitzgibbon, J. Johnson, Sells, Ryu, Peterson, Slatter, Pollet, Berg, Macri, Gregerson, Eslick, Callan and Harris-Talley

AN ACT Relating to ensuring equity in farming; adding a new chapter to Title 15 RCW; and creating a new section.

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

HB 1396 by Representatives Dufault, Chambers, Sutherland and Eslick

AN ACT Relating to increasing the number of United States history and government credits required for graduation from a public high school; and amending RCW 28A.230.090.

Referred to Committee on Education.

HB 1397 by Representatives Klippert, Walsh, Chase, Chambers and Eslick

AN ACT Relating to day care expenses paid by child support; and amending RCW 26.19.080.

Referred to Committee on Civil Rights & Judiciary.

HB 1398 by Representatives Dufault, Caldier, Volz, Robertson, Chase, Klicker, Jacobsen, Walsh, Chambers, Corry, Vick and Eslick

AN ACT Relating to preserving affordable housing and assisting tenants and rental housing providers in response to the COVID-19 public health crisis; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Housing, Human Services & Veterans.

HB 1399 by Representatives Vick, Kirby, Jacobsen, Simmons, Dufault, Dolan and Young

AN ACT Relating to reducing barriers to professional licensure for individuals with previous criminal convictions; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Consumer Protections & Business.

HB 1400 by Representatives Vick, Kirby and Dufault

AN ACT Relating to alternative licensing standards of professional licenses; adding a new section to chapter 43.24 RCW; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1401 by Representatives Vick, Kirby, Dufault and Dolan

AN ACT Relating to expediting professional licenses for new Washington residents; adding a new section to chapter 43.24 RCW; adding a new chapter to Title 18 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Business.

HB 1402 by Representatives Vick, Kirby, Jacobsen and Dufault

AN ACT Relating to review standards for professional licensing regulation; adding a new chapter to Title 18 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Business.

HB 1403 by Representatives Vick, Kirby and Dufault

AN ACT Relating to creating a review process for professional licensing regulations and requiring a report to the legislature; and adding a new chapter to Title 18 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1404 by Representatives Vick, Stonier, Lekanoff, Steele, Pollet, Dolan and Young

AN ACT Relating to facilitating equity in programs for highly capable students; amending RCW 28A.185.020, 28A.185.030, 28A.185.050, 28A.160.160, 28A.300.042, 28A.300.770, and 28B.10.032; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.415 RCW.

Referred to Committee on Education.

HB 1405 by Representatives McEntire, Walsh and Eslick

AN ACT Relating to the sale of lands owned by the department of natural resources; and amending RCW 79.11.340.

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

HB 1406 by Representatives Frame, Sullivan, Ormsby, Ortiz-Self, Kirby, Davis, Bateman, Valdez, Kloba, Pollet, Walen, Dolan, Simmons, Cody, Ramel, Lekanoff, Duerr, Ryu, Berry, Peterson, Hackney, Chopp, Macri, Bergquist, Riccelli and Harris-Talley

AN ACT Relating to improving the equity of Washington state's tax code by creating the Washington state wealth tax and taxing extraordinary financial intangible assets; amending RCW 43.135.034 and 82.32.655; adding a new title to the Revised Code of Washington to be codified as Title 84A RCW; creating a new section; and prescribing penalties.

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 reverted to the first order of business.

The House was called to order 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 Lauren Davis, 32nd Legislative District.

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

REPORTS OF STANDING COMMITTEES

February 16, 2021

HB 1044 Prime Sponsor, Representative Leavitt: Creating prison to postsecondary education pathways. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Chandler.

Referred to Committee on Appropriations.

February 16, 2021

HB 1075 Prime Sponsor, Representative Berry: Reducing emissions from vehicles associated with on-demand transportation services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice

Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTIONS

On motion of Representative Ramel, Representative Chopp was excused.

On motion of Representative Griffey, Representative Eslick was excused.

SECOND READING

HOUSE BILL NO. 1121, by Representatives Santos, Ybarra, Ortiz-Self, Gregerson, Paul, Stonier, Pollet, Bergquist and Harris-Talley

Concerning the emergency waiver of graduation requirements.

The bill was read the second time.

Representative Ybarra moved the adoption of amendment (009):

On page 2, line 29, after "(c)" insert "Maintain records as necessary and as required by rule of the state board of education to document compliance with subsection (1) (b) of this section;

(d) "

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

On page 3, line 5, after "(3)" strike "The" and insert "(a) By November 1, 2021, and annually thereafter, the"

On page 3, after line 7, insert the following:

"(b) The state board of education, by December 15, 2021, and within existing resources, shall provide the education committees of the legislature with a summary of the emergency waiver data provided by the office of the superintendent of public instruction under this subsection (3) for students in the graduating classes of 2020 and 2021. The summary must include the following information:

(i) The total number of emergency waivers requested and issued, by school district, including an indication of what requirement or requirements were waived. Information provided in accordance with this subsection (b) (i) must also indicate the number of students in the school district grade cohort of each student receiving a waiver; and

(ii) An analysis of any concerns regarding school district implementation, including any concerns related to school district demonstrations of good faith efforts as required by subsection (1)(b) of this section, identified by the state board of education during its review of the data."

Representatives Ybarra and Santos spoke in favor of the adoption of the amendment.

Amendment (009) was adopted.

Representative Steele moved the adoption of amendment (007):

On page 3, line 10, after "rules" strike "may" and insert "must"

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

Representative Callan spoke against the adoption of the amendment.

Amendment (007) was not adopted.

Representative Walsh moved the adoption of amendment (006):

On page 3, line 20, after "(5)" insert "The office of the superintendent of public instruction, in accordance with RCW 43.01.036, shall annually summarize and report school district data received under subsection (2)(c) of this section to the education committees of the legislature. The requirements of this subsection (5) do not apply in school

years in which no emergency waivers were issued.

(6) "

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

Representative Santos spoke against the adoption of the amendment.

Amendment (006) was not adopted.

Representative Steele moved the adoption of amendment (008):

On page 3, line 26, after "inoperable" insert "for a period of 30 or more scheduled school days between March 1st and June 30th during which students do not have access to the coursework, programs, or assessments needed to meet graduation credit and graduation pathway requirements"

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

Representatives Stonier and Santos spoke against the adoption of the amendment.

Amendment (008) was not adopted.

Representative Santos moved the adoption of amendment (010):

On page 3, beginning on line 21, after "'Emergency'" strike all material through "district" on line 28 and insert "has the same meaning as "emergency or disaster" in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official"

Representatives Santos and Steele spoke in favor of the adoption of the amendment.

Amendment (010) was adopted.

The bill was ordered engrossed.

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

Representatives Santos, Ybarra, Stonier, Orcutt and Callan spoke in favor of the passage of the bill.

Representatives Walsh, Steele and Walsh (again) 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 House Bill No. 1121.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1121, and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 2.

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

Voting nay: Representatives Barkis, Corry, Dufault, Hoff, Jacobsen, McCaslin, McEntire, Steele, Vick, Walsh and Young.

Excused: Representatives Chopp and Eslick.

ENGROSSED HOUSE BILL NO. 1121, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1131, by Representatives Rude and Callan

Concerning the emergency waiver of instructional hours and days at private schools.

The bill was read the second time.

Representative Santos moved the adoption of amendment (011):

Beginning on page 1, line 19, after ""emergency"" strike all material through "school" on page 2, line 6 and insert "has the same meaning as "emergency or disaster" in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official"

Representatives Santos and Rude spoke in favor of the adoption of the amendment.

Amendment (011) was adopted.

The bill was ordered engrossed.

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

Representatives Rude, Ybarra and Callan spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1131.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1131, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Chopp and Eslick.

ENGROSSED HOUSE BILL NO. 1131, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1049, by Representatives Kirby, Vick, Kloba, Leavitt, Ryu, Morgan, Ramel, Springer and Stokesbary

Concerning the off-site delivery of a vehicle by a vehicle dealer licensed under chapter 46.70 RCW.

The bill was read the second time.

Representative Kirby moved the adoption of amendment (012):

On page 6, line 24, after "drive," insert "lease,"

Representatives Kirby and Vick spoke in favor of the adoption of the amendment.

Amendment (012) was adopted.

The bill was ordered engrossed.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1049.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1049, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Chopp and Eslick.

ENGROSSED HOUSE BILL NO. 1049, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1052, by Representatives Bateman, Cody, Kloba and Macri

Concerning group insurance contract performance standards.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1052 was substituted for House Bill No. 1052 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1052 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 Bateman and Schmick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Wilcox was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1052.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1052, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, 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, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp, Eslick and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1052, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Dolan congratulated Representative Bateman on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

There being no objection, the House adjourned until 9:55 a.m., January 28, 2021, the 18th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTEENTH DAY

House Chamber, Olympia, Thursday, January 28, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

January 27, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5013,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5044,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5061,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READINGHB 1407 by Representative Volz

AN ACT Relating to fees of county officers; and amending RCW 36.18.016.

Referred to Committee on Civil Rights & Judiciary.

HB 1408 by Representatives Volz, Graham, Chase, Taylor, Rule, Dolan, Sutherland, Robertson, Caldier, Griffey, Jacobsen, Dent and Boehnke

AN ACT Relating to protecting the personal information of juveniles from public disclosure; and amending RCW 7.69A.020 and 7.69A.030.

Referred to Committee on State Government & Tribal Relations.

HB 1409 by Representatives Volz, Ybarra, Chase, Dolan, Sutherland, Walen, Walsh, Robertson, Caldier, Leavitt, Griffey, Dent, Ormsby and Kraft

AN ACT Relating to property tax exemptions for certain mobile homes and manufactured homes; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1410 by Representatives Volz, Valdez, Ybarra, Stokesbary, Chase, Dufault, Leavitt, Vick, Dolan, Sutherland, Walen, Chambers, Walsh, Robertson, Caldier, Griffey, Riccelli, Jacobsen, Fitzgibbon, Ormsby and Harris-Talley

AN ACT Relating to protecting taxpayers from home foreclosure; and amending RCW 84.56.020.

Referred to Committee on Finance.

HB 1411 by Representatives Simmons, Davis, Santos, Valdez, Berry and Fitzgibbon

AN ACT Relating to health care workforce eligibility for persons with prior involvement with the criminal justice system; amending RCW 9.97.020; adding new sections to chapter 74.39A RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1412 by Representatives Simmons, Goodman, Davis, Valdez, Berry, Taylor, Fitzgibbon, Peterson, Ormsby, Harris-Talley, Pollet and Macri

AN ACT Relating to legal financial obligations; amending RCW 3.66.120, 9.94A.750, 9.94A.753, 9.94A.760, 6.17.020, 9.92.060, 9.95.210, 10.01.160, 10.73.160, 10.64.015, 10.82.090, 7.68.035, 9.94A.6333, 9.94B.040, 10.01.180, 3.62.085, 36.18.020, 43.43.7541, 3.62.020, 3.62.040, 3.50.100, 35.20.220, 10.01.170, 10.46.190, 9.92.070, and 7.68.240; adding a new section to chapter 10.01 RCW; and adding a new section to chapter 3.66 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1413 by Representatives Hackney, Berg, Simmons, Davis, Fitzgibbon, Peterson, Ormsby, Harris-Talley and Pollet

AN ACT Relating to the scoring of prior juvenile offenses in sentencing range calculations; amending RCW 9.94A.525; adding a new section to chapter

9.94A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1414 by Representatives Goehner and Chambers

AN ACT Relating to aligning marijuana licensing decisions by the liquor and cannabis board with local zoning ordinances; and amending RCW 69.50.331 and 69.51A.250.

Referred to Committee on Commerce & Gaming.

HB 1415 by Representatives Paul, Dufault, Santos, Riccelli and Pollet

AN ACT Relating to skill center class size; reenacting and amending RCW 28A.150.260; and providing an effective date.

Referred to Committee on Appropriations.

HB 1416 by Representatives Walen and Santos

AN ACT Relating to the reporting of debt information by insurers to enhance the collection of past-due child support; amending RCW 26.23.070; adding a new section to chapter 26.23 RCW; creating new sections; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1417 by Representatives Chase and McCaslin

AN ACT Relating to the taxation of precious metal bullion made of gold and silver and monetized bullion, and providing that the use of bullion as tender is voluntary; amending RCW 82.04.062 and 84.36.070; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.

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.

SUPPLEMENTAL INTRODUCTION & FIRST READING

ESSB 5061 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Conway, Billig, Dhingra, King, Nguyen, Saldaña, Stanford, Wilson and C.)

AN ACT Relating to unemployment insurance; amending RCW 28B.50.030, 50.04.323, 50.16.030, 50.20.010, 50.20.020, 50.20.100, 50.20.118, 50.20.120, 50.20.140, 50.24.014, 50.29.021, 50.29.026, 50.29.027, 50.29.041, 50.29.062, 50.29.063, 50.44.060, 50.60.020, and 50.60.110; reenacting and amending RCW

50.20.050 and 50.29.025; adding new sections to chapter 50.04 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 50.60 RCW; creating a new section; repealing RCW 50.20.1201 and 50.20.1202; providing an expiration date; and declaring an emergency.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 5061 was read the first time, and under suspension of the rules was placed on the second reading calendar.

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

REPORTS OF STANDING COMMITTEES

February 11, 2021

HB 1050 Prime Sponsor, Representative Fitzgibbon: Reducing greenhouse gas emissions from fluorinated gases. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 11, 2021

HB 1083 Prime Sponsor, Representative Gregerson: Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing, Human Services & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 9, 2021

HB 1096 Prime Sponsor, Representative Schmick: Concerning nonmedicare plans offered through the Washington state health insurance pool. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Boehnke.

Referred to Committee on Appropriations.

January 27, 2021

HB 1124 Prime Sponsor, Representative Cody: Concerning nurse delegation of glucose monitoring, glucose testing, and insulin injections. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1151 Prime Sponsor, Representative Leavitt: Bolstering economic recovery. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Housing, Human Services & Veterans be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Chandler.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., January 29, 2021, the 19th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINETEENTH DAY

House Chamber, Olympia, Friday, January 29, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1418 by Representatives Leavitt, Bronoske, Lovick, Ryu, Ortiz-Self, Gregerson, Shewmake, Ramel and Pollet

AN ACT Relating to enhancing rail safety governance by expanding the role of the utilities and transportation commission; amending RCW 81.04.540, 81.04.550, 81.104.115, 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180; adding a new section to chapter 81.04 RCW; creating new sections; recodifying RCW 81.104.115; providing an effective date; and providing contingent effective dates.

Referred to Committee on Transportation.

HB 1419 by Representatives Dolan, Callan, Valdez, Santos, Ortiz-Self, J. Johnson, Ryu, Simmons, Lovick, Fitzgibbon, Bergquist, Thai, Bateman, Paul, Berg, Ramos, Pollet, Goodman, Sells, Peterson, Leavitt, Duerr and Davis

AN ACT Relating to experience factor adjustments for certificated instructional staff; amending RCW 28A.150.412; and creating a new section.

Referred to Committee on Appropriations.

HB 1420 by Representatives MacEwen, Rude, J. Johnson, Robertson, Jacobsen and Pollet

AN ACT Relating to ensuring that critical school employees receive priority for receipt of the COVID-19 vaccine; adding a new section to chapter 70.54 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1421 by Representatives Dufault and Barkis

AN ACT Relating to a property owner's or tenant's liability for delinquent and unpaid utility service

charges; and amending RCW 35.21.217, 60.80.010, 60.80.020, and 35.21.290.

Referred to Committee on Housing, Human Services & Veterans.

HB 1422 by Representatives MacEwen, Young and Jacobsen

AN ACT Relating to extending comprehensive sexual health education compliance dates by one year; and amending RCW 28A.300.475.

Referred to Committee on Education.

HB 1423 by Representatives Fitzgibbon, Springer and Dent

AN ACT Relating to smoke management civil enforcement; amending RCW 70A.15.3160; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1424 by Representatives Walen, Ybarra, Springer, Simmons, Ramel and Berg

AN ACT Relating to consumer protection with respect to the sale of dogs and cats; amending RCW 16.52.310; adding a new section to chapter 16.52 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1425 by Representatives Taylor, Leavitt, Valdez, Santos, J. Johnson, Ortiz-Self, Simmons, Rule, Ramel, Chopp, Pollet, Hackney and Morgan

AN ACT Relating to amending the opportunity scholarship act to expand scholarships for community and technical college students; amending RCW 28B.145.010, 28B.145.030, 28B.145.040, and 28B.145.100; and creating a new section.

Referred to Committee on College & Workforce Development.

HB 1426 by Representatives Santos, Lekanoff, J. Johnson, Ortiz-Self, Davis, Simmons, Bergquist, Callan, Berg and Pollet

AN ACT Relating to specifying minimum continuing education requirements for administrator and teacher certificate renewals that focus on equity-based school and classroom practices; and adding a new section to chapter 28A.410 RCW.

Referred to Committee on Education.

HB 1427 by Representatives Gilday, Davis, Sutherland, Mosbrucker, Ortiz-Self, Abbarno, Chambers, Simmons, Peterson, Lovick, Rule, Hoff, Ryu, Jacobsen, Pollet, Dufault and Paul

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

Referred to Committee on Health Care & Wellness.

HB 1428 by Representatives Kirby, Ryu, Sutherland and Pollet

AN ACT Relating to automobile insurance policies; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1429 by Representatives Ryu, Lovick, Fey, Robertson and Hansen

AN ACT Relating to classification as a competitive telecommunications company for an incumbent local exchange carrier currently operating under an alternative form of regulation authorized by RCW 80.36.135; and amending RCW 80.36.320.

Referred to Committee on Community & Economic Development.

HB 1430 by Representatives Kloba and Klicker

AN ACT Relating to the duration of state upland leases for lands managed by the department of natural resources; and amending RCW 79.13.060.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1431 by Representatives Rule, Taylor, Sutherland, Mosbrucker, Lovick, J. Johnson, Ortiz-Self, Simmons, Peterson, Shewmake, Barkis, Ryu, Ramel, Riccelli, Hackney and Dufault

AN ACT Relating to encouraging youth participation in fishing and shellfishing; amending RCW 77.08.010 and 77.32.470; adding new sections to chapter 77.32 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1432 by Representatives Vick and Sutherland

AN ACT Relating to authorizing direct to consumer sales of distilled spirits by out-of-state manufacturers; amending RCW 66.28.035; and adding new sections to chapter 66.20 RCW.

Referred to Committee on Commerce & Gaming.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

January 28, 2021

HB 1034 Prime Sponsor, Representative Fitzgibbon: Concerning park and recreation district levies. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Vick and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1064 Prime Sponsor, Representative Eslick: Requiring the disclosure of high-speed internet access availability in the seller's disclosure statement. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1086 Prime Sponsor, Representative Simmons: Creating the state office of behavioral health consumer advocacy. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

January 27, 2021

HB 1087 Prime Sponsor, Representative Berry: Clarifying the continuity of employee family and medical leave rights. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 27, 2021

HB 1120 Prime Sponsor, Representative Tharinger: Concerning state of emergency operations impacting long-term services and supports. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member and Maycumber.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1148 Prime Sponsor, Representative Cody: Protecting patients in acute care hospitals. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill

do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen and Schmick.

Referred to Committee on Appropriations.

January 27, 2021

HB 1221 Prime Sponsor, Representative Rule: Standardizing homelessness definitions. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Goodman; Klippert; Ortiz-Self; Wicks and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Eslick.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1225 Prime Sponsor, Representative Stonier: Concerning school-based health centers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Chandler and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Hoff; Jacobsen and Steele.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

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

The House was called to order by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Keith Goehner, 12th Legislative District.

The Speaker assumed the chair.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Conway, Billig, Dhingra, King, Nguyen, Saldaña, Stanford, Wilson and C.)

Concerning unemployment insurance.

The bill was read the second time.

MOTION

On motion of Representative Riccelli, Representatives Walen and Wylie were excused.

Representative Vick moved the adoption of amendment (020):

On page 26, after line 31, insert the following:

"(k) Benefits paid for all weeks starting with the week ending June 6, 2020, and ending with the week in which the governor terminates the state of emergency first declared in proclamation 20-05, where the benefits paid are for separations directly or indirectly caused by the COVID-19 pandemic or related governor proclamations or executive orders."

Representatives Vick, Vick (again), Stokesbary, Hoff, Corry, Orcutt, Barkis, MacEwen, Kraft, Mosbrucker, Sutherland, Chambers and Chase spoke in favor of the adoption of the amendment.

Representatives Bronoske and Sells spoke against the adoption of the amendment.

Amendment (020) was not adopted.

Representative MacEwen moved the adoption of amendment (022):

On page 49, after line 25, insert the following:

"Sec. 22. RCW 50.29.100 and 2020 c 7 s 5 are each amended to read as follows:

(1) By ~~((September 30, 2020))~~ April 1, 2022, a contribution paying employer may submit an application to the employment security department to have the approved benefits paid to approved employees be reimbursed by the COVID-19 unemployment account instead of charged to the employer's experience rating account. The application must be submitted in a form and manner approved by the department through rule.

(2) The department should not approve an application if the benefits paid will not otherwise be charged to the employer's experience rating account or if the employer was otherwise eligible to receive relief of benefit charges.

(3) If the department approves an employer's application, the department will not charge the forgiven benefits to the employer's experience rating account. The commissioner shall instead transfer from the COVID-19 unemployment account to the unemployment trust fund account an amount equal to the forgiven benefits.

(4) If the department rejects an employer's application, the department shall present the employer with the reasons why the application was rejected. The reasons for the rejection are final and nonappealable.

(5) For purposes of this section, the following definitions apply:

(a) "Approved employee" means an employee who:

(i) Was ~~((temporarily))~~ laid off as a direct or indirect consequence of ~~((an outbreak of COVID-19,~~

~~(ii) Was approved by the department to be on standby pursuant to rules adopted by the department;~~

~~(iii) Has returned to the same employment with the employer the employee had prior to the temporary unemployment; and~~

~~(iv)) a gubernatorial declaration of emergency or related executive order; and~~

(ii) Meets other criteria the department may establish by rule.

(b) "Approved benefits" means benefits paid to an approved employee (~~while the approved employee was on standby~~) for an eligible claim pursuant to rules adopted by the department.

(c) "Total approved benefits" means the sum total of all approved benefits paid to all approved employees.

(d) "Eligible claim" means a claim for weeks of unemployment on or after February 29, 2020, and before March 1, 2022, or 30 days after the expiration of the gubernatorial declaration of emergency, whichever is earlier.

(e) "Forgiveness ratio" is computed by dividing the amount of money in the COVID-19 unemployment account by the total approved benefits. The forgiveness ratio cannot be more than 1.

~~((e))~~ (f) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(6) The department shall adopt such rules as are necessary to carry out the purposes of this section.

(7) This section expires (~~July 30, 2021~~) December 1, 2022."

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

On page 54, after line 27, insert the following:

"Sec. 26. RCW 50.16.100 and 2020 c 7 s 4 are each amended to read as follows:

(1) The COVID-19 unemployment account is created in the custody of the state treasurer. Revenues to the account shall consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Only the commissioner of the employment security department or the commissioner's designee may authorize

expenditures from the account. Expenditures from the account may be used only for reimbursing the unemployment trust fund account for unemployment benefits paid to the approved employees of employers approved for such reimbursement pursuant to RCW 50.29.100. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Any federal funding or relief for novel coronavirus that could be used for the purposes of RCW 50.29.100 must be used first before spending from the account. Additionally, if the employment security department subsequently receives reimbursements from federal sources for amounts spent from the account, the department must remit the federal funding to the state treasurer for reimbursement to the budget stabilization account. If federal law or rules would prevent such remittance, the department must notify the office of financial management and the fiscal committees of the legislature within thirty days of receipt of the reimbursement.

(3) (~~By July 1, 2021, the commissioner must certify to the state treasurer the amount of any unobligated moneys in the COVID-19 unemployment account that are attributable to the budget stabilization account appropriation in section 3, chapter 7, Laws of 2020, and the treasurer must transfer those moneys back to the budget stabilization account.~~) By July 1, 2022, the commissioner must certify to the state treasurer the amount of any unobligated moneys in the COVID-19 unemployment account that are attributable to the budget stabilization account appropriation in section 27 of this act, and the treasurer must transfer those moneys back to the budget stabilization account.

NEW SECTION. Sec. 27. The sum of \$500,000,000 is appropriated from the budget stabilization account for the fiscal year ending June 30, 2021, and is provided solely for expenditure into the COVID-19 unemployment account for the purposes described in section 22 of this act."

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

Correct the title.

ROLL CALL

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

Representative Berry spoke against the adoption of the amendment.

Amendment (022) was not adopted.

Representative Hoff moved the adoption of amendment (021):

On page 54, after line 27, insert the following:

"**NEW SECTION. Sec. 26.** A new section is added to chapter 50.24 RCW to read as follows:

(1) An employer whose place or places of business were closed or restricted in operations as a result of proclamation 20-05 or related governor proclamations or orders may defer quarterly payment of contributions under this chapter for up to two calendar quarters.

(2) An employer that defers payment under subsection (1) of this section may not be subject to penalties or interest on the deferred payment.

(3) This section expires December 31, 2022."

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

Correct the title.

Representatives Hoff, Vick, Barkis and Orcutt spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (021) 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 Sells, Hoff, Vick, Kraft, Ortiz-Self, Stonier and Stokesbary spoke in favor of the passage of the bill.

Representatives Walsh, Dufault, Sutherland and McEntire spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5061.

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5061, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, 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, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dufault, McCaslin, McEntire, Sutherland, Walsh and Young.

Excused: Representative Walen.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1108, by Representatives Orwall, Ortiz-Self, Kloba, Hackney, Chopp, Santos, Macri, Pollet and Harris-Talley

Maintaining funding and assistance for homeowners navigating the foreclosure process.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1108 was substituted for House Bill No. 1108 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1108 was read the second time.

Representative Walsh moved the adoption of amendment (015):

On page 1, after line 21, insert the following:

"**Sec. 2.** RCW 61.24.005 and 2014 c 164 s 1 are each amended to read as follows:

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

(1) "Affiliate of beneficiary" means any entity which controls, is controlled by, or is under common control with a beneficiary.

(2) "Beneficiary" means the holder of the instrument or document evidencing the

obligations secured by the deed of trust, excluding persons holding the same as security for a different obligation.

(3) "Borrower" means a person or a general partner in a partnership, including a joint venture, that is liable for all or part of the obligations secured by the deed of trust under the instrument or other document that is the principal evidence of such obligations, or the person's successors if they are liable for those obligations under a written agreement with the beneficiary.

(4) "Commercial loan" means a loan that is not made primarily for personal, family, or household purposes.

(5) "Department" means the department of commerce or its designee.

(6) "Fair value" means the value of the property encumbered by a deed of trust that is sold pursuant to a trustee's sale. This value shall be determined by the court or other appropriate adjudicator by reference to the most probable price, as of the date of the trustee's sale, which would be paid in cash or other immediately available funds, after deduction of prior liens and encumbrances with interest to the date of the trustee's sale, for which the property would sell on such date after reasonable exposure in the market under conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under duress.

(7) "Grantor" means a person, or its successors, who executes a deed of trust to encumber the person's interest in property as security for the performance of all or part of the borrower's obligations.

(8) "Guarantor" means any person and its successors who is not a borrower and who guarantees any of the obligations secured by a deed of trust in any written agreement other than the deed of trust.

(9) "Housing counselor" means a housing counselor that has been approved by the United States department of housing and urban development or approved by the Washington state housing finance commission.

(10) "Owner-occupied" means property that is the principal residence of the borrower.

(11) "Person" means any natural person, or legal or governmental entity.

(12) "Record" and "recorded" includes the appropriate registration proceedings, in the instance of registered land.

(13) "Residential real property" means property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit. For the purposes of the application of RCW 61.24.163, (~~owner-occupied~~) residential real property includes residential real property of up to four units.

(14) "Senior beneficiary" means the beneficiary of a deed of trust that has priority over any other deeds of trust encumbering the same residential real property.

(15) "Tenant-occupied property" means property consisting solely of residential real property that is the principal residence of a tenant subject to chapter 59.18 RCW or other building with four or fewer residential units that is the principal residence of a tenant subject to chapter 59.18 RCW.

(16) "Trustee" means the person designated as the trustee in the deed of trust or appointed under RCW 61.24.010(2).

(17) "Trustee's sale" means a nonjudicial sale under a deed of trust undertaken pursuant to this chapter.

Sec. 3. RCW 61.24.030 and 2018 c 306 s 1 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed

of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property of up to four units, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default and, for residential real property of up to four units, the beneficiary declaration specified in subsection (7)(a) of this section shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future, or no less than one hundred fifty days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is (~~owner-occupied~~) residential real property of up to four units, a statement, prominently set out at the beginning of the notice, which shall state as follows:

"THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR

LOSING YOUR HOME.

You may be eligible for mediation in front of a neutral third party to help save your home.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than twenty days after the Notice of Trustee Sale is recorded.

DO NOT DELAY. If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: Website:

The United States Department of Housing and Urban Development

Telephone: Website:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: Website:"

The beneficiary or trustee shall obtain the toll-free numbers and website information from the department for inclusion in the notice;

(l) In the event the property secured by the deed of trust is residential real property of up to four units, the name and address of the holder of any promissory note or other obligation secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust;

(m) For notices issued after June 30, 2018, on the top of the first page of the notice:

(i) The current beneficiary of the deed of trust;

(ii) The current mortgage servicer for the deed of trust; and

(iii) The current trustee for the deed of trust;

(9) That, for (~~owner-occupied~~) residential real property of up to four units, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163;

(10) That, in the case where the borrower or grantor is known to the mortgage servicer or trustee to be deceased, the notice required under subsection (8) of this section must be sent to any spouse, child, or parent of the borrower or grantor known to the trustee or mortgage servicer, and to any owner of record of the property, at any address provided to the trustee or mortgage servicer, and to the property

addressed to the heirs and devisees of the borrower.

(a) If the name or address of any spouse, child, or parent of such deceased borrower or grantor cannot be ascertained with use of reasonable diligence, the trustee must execute and record with the notice of sale a declaration attesting to the same.

(b) Reasonable diligence for the purposes of this subsection (10) means the trustee shall search in the county where the property is located, the public records and information for any obituary, will, death certificate, or case in probate within the county for the borrower and grantor;

(11) Upon written notice identifying the property address and the name of the borrower to the servicer or trustee by someone claiming to be a successor in interest to the borrower's or grantor's property rights, but who is not a party to the loan or promissory note or other obligation secured by the deed of trust, a trustee shall not record a notice of sale pursuant to RCW 61.24.040 until the trustee or mortgage servicer completes the following:

(a) Acknowledges the notice in writing and requests reasonable documentation of the death of the borrower or grantor from the claimant including, but not limited to, a death certificate or other written evidence of the death of the borrower or grantor. The claimant must be allowed thirty days from the date of this request to present this documentation. If the trustee or mortgage servicer has already obtained sufficient proof of the borrower's death, it may proceed by acknowledging the claimant's notice in writing and issuing a request under (b) of this subsection.

(b) If the mortgage servicer or trustee obtains or receives written documentation of the death of the borrower or grantor from the claimant, or otherwise independently confirms the death of the borrower or grantor, then the servicer or trustee must request in writing documentation from the claimant demonstrating the ownership interest of the claimant in the real property. A claimant has sixty days from the date of the request to present this documentation.

(c) If the mortgage servicer or trustee receives written documentation demonstrating the ownership interest of

the claimant prior to the expiration of the sixty days provided in (b) of this subsection, then the servicer or trustee must, within twenty days of receipt of proof of ownership interest, provide the claimant with, at a minimum, the loan balance, interest rate and interest reset dates and amounts, balloon payments if any, prepayment penalties if any, the basis for the default, the monthly payment amount, reinstatement amounts or conditions, payoff amounts, and information on how and where payments should be made. The mortgage servicers shall also provide the claimant application materials and information, or a description of the process, necessary to request a loan assumption and modification.

(d) Upon receipt by the trustee or the mortgage servicer of the documentation establishing claimant's ownership interest in the real property, that claimant shall be deemed a "successor in interest" for the purposes of this section.

(e) There may be more than one successor in interest to the borrower's property rights. The trustee and mortgage servicer shall apply the provisions of this section to each successor in interest. In the case of multiple successors in interest, where one or more do not wish to assume the loan as coborrowers or coapplicants, a mortgage servicer may require any nonapplicant successor in interest to consent in writing to the application for loan assumption.

(f) The existence of a successor in interest under this section does not impose an affirmative duty on a mortgage servicer or alter any obligation the mortgage servicer has to provide a loan modification to the successor in interest. If a successor in interest assumes the loan, he or she may be required to otherwise qualify for available foreclosure prevention alternatives offered by the mortgage servicer.

(g) (c), (e), and (f) of this subsection (11) do not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW; and

(12) Nothing in this section shall prejudice the right of the mortgage servicer or beneficiary from discontinuing any foreclosure action initiated under the deed of trust act in

favor of other allowed methods for pursuit of foreclosure of the security interest or deed of trust security interest.

Sec. 4. RCW 61.24.031 and 2014 c 164 s 2 are each amended to read as follows:

(1)(a) A trustee, beneficiary, or authorized agent may not issue a notice of default under RCW 61.24.030(8) until: (i) Thirty days after satisfying the due diligence requirements as described in subsection (5) of this section and the borrower has not responded; or (ii) if the borrower responds to the initial contact, ninety days after the initial contact with the borrower was initiated.

(b) A beneficiary or authorized agent shall make initial contact with the borrower by letter to provide the borrower with information required under (c) of this subsection and by telephone as required under subsection (5) of this section. The letter required under this subsection must be mailed in accordance with subsection (5)(a) of this section and must include the information described in (c) of this subsection and subsection (5)(e)(i) through (iv) of this section.

(c) The letter required under this subsection, developed by the department pursuant to RCW 61.24.033, at a minimum shall include:

(i) A paragraph printed in no less than twelve-point font and bolded that reads:

"You must respond within thirty days of the date of this letter. IF YOU DO NOT RESPOND within thirty days, a notice of default may be issued and you may lose your home in foreclosure.

IF YOU DO RESPOND within thirty days of the date of this letter, you will have an additional sixty days to meet with your lender before a notice of default may be issued.

You should contact a housing counselor or attorney as soon as possible. Failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party. A housing counselor or attorney can help you work with your lender to avoid foreclosure.

If you filed bankruptcy or have been discharged in bankruptcy, this communication is not intended as an

attempt to collect a debt from you personally, but is notice of enforcement of the deed of trust lien against the property. If you wish to avoid foreclosure and keep your property, this notice sets forth your rights and options.";

(ii) The toll-free telephone number from the United States department of housing and urban development to find a department-approved housing counseling agency, the toll-free numbers for the statewide foreclosure hotline recommended by the housing finance commission, and the statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys;

(iii) A paragraph stating that a housing counselor may be available at little or no cost to the borrower and that whether or not the borrower contacts a housing counselor or attorney, the borrower has the right to request a meeting with the beneficiary; and

(iv) A paragraph explaining how the borrower may respond to the letter and stating that after responding the borrower will have an opportunity to meet with his or her beneficiary in an attempt to resolve and try to work out an alternative to the foreclosure and that, after ninety days from the date of the letter, a notice of default may be issued, which starts the foreclosure process.

(d) If the beneficiary has exercised due diligence as required under subsection (5) of this section and the borrower does not respond by contacting the beneficiary within thirty days of the initial contact, the notice of default may be issued. "Initial contact" with the borrower is considered made three days after the date the letter required in (b) of this subsection is sent.

(e) If a meeting is requested by the borrower or the borrower's housing counselor or attorney, the beneficiary or authorized agent shall schedule the meeting to occur before the notice of default is issued. An assessment of the borrower's financial ability to modify or restructure the loan obligation and a discussion of options must occur during the meeting scheduled for that purpose.

(f) The meeting scheduled to assess the borrower's financial ability to modify or restructure the loan obligation and discuss options to avoid foreclosure

may be held telephonically, unless the borrower or borrower's representative requests in writing that a meeting be held in person. The written request for an in-person meeting must be made within thirty days of the initial contact with the borrower. If the meeting is requested to be held in person, the meeting must be held in the county where the property is located unless the parties agree otherwise. A person who is authorized to agree to a resolution, including modifying or restructuring the loan obligation or other alternative resolution to foreclosure on behalf of the beneficiary, must be present either in person or on the telephone or videoconference during the meeting.

(2) A notice of default issued under RCW 61.24.030(8) must include a declaration, as provided in subsection (9) of this section, from the beneficiary or authorized agent that it has contacted the borrower as provided in subsection (1) of this section, it has tried with due diligence to contact the borrower under subsection (5) of this section, or the borrower has surrendered the property to the trustee, beneficiary, or authorized agent. Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the declaration as evidence that the requirements of this section have been satisfied, and the trustee is not liable for the beneficiary's or its authorized agent's failure to comply with the requirements of this section.

(3) If, after the initial contact under subsection (1) of this section, a borrower has designated a housing counseling agency, housing counselor, or attorney to discuss with the beneficiary or authorized agent, on the borrower's behalf, options for the borrower to avoid foreclosure, the borrower shall inform the beneficiary or authorized agent and provide the contact information to the beneficiary or authorized agent. The beneficiary or authorized agent shall contact the designated representative for the borrower to meet.

(4) The beneficiary or authorized agent and the borrower or the borrower's representative shall attempt to reach a resolution for the borrower within the ninety days from the time the initial contact is sent and the notice of default is issued. A resolution may include, but is not limited to, a loan modification, an agreement to conduct a short sale, or

a deed in lieu of foreclosure transaction, or some other workout plan. Any modification or workout plan offered at the meeting with the borrower's designated representative by the beneficiary or authorized agent is subject to approval by the borrower.

(5) A notice of default may be issued under RCW 61.24.030(8) if a beneficiary or authorized agent has initiated contact with the borrower as required under subsection (1)(b) of this section and the failure to meet with the borrower occurred despite the due diligence of the beneficiary or authorized agent. Due diligence requires the following:

(a) A beneficiary or authorized agent shall first attempt to contact a borrower by sending, by both first-class and either registered or certified mail, return receipt requested, a letter to the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must be the letter described in subsection (1)(c) of this section.

(b) (i) After the letter has been sent, the beneficiary or authorized agent shall attempt to contact the borrower by telephone at least three times at different hours and on different days. Telephone calls must be made to the primary and secondary telephone numbers on file with the beneficiary or authorized agent.

(ii) A beneficiary or authorized agent may attempt to contact a borrower using an automated system to dial borrowers if the telephone call, when answered, is connected to a live representative of the beneficiary or authorized agent.

(iii) A beneficiary or authorized agent satisfies the telephone contact requirements of this subsection (5)(b) if the beneficiary or authorized agent determines, after attempting contact under this subsection (5)(b), that the borrower's primary telephone number and secondary telephone number or numbers on file, if any, have been disconnected or are not good contact numbers for the borrower.

(iv) The telephonic contact under this subsection (5)(b) does not constitute the meeting under subsection (1)(f) of this section.

(c) If the borrower does not respond within fourteen days after the telephone

call requirements of (b) of this subsection have been satisfied, the beneficiary or authorized agent shall send a certified letter, with return receipt requested, to the borrower at the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must include the information described in (e)(i) through (iv) of this subsection. The letter must also include a paragraph stating: "Your failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party."

(d) The beneficiary or authorized agent shall provide a means for the borrower to contact the beneficiary or authorized agent in a timely manner, including a toll-free telephone number or charge-free equivalent that will provide access to a live representative during business hours for the purpose of initiating and scheduling the meeting under subsection (1)(f) of this section.

(e) The beneficiary or authorized agent shall post a link on the home page of the beneficiary's or authorized agent's internet website, if any, to the following information:

(i) Options that may be available to borrowers who are unable to afford their mortgage payments and who wish to avoid foreclosure, and instructions to borrowers advising them on steps to take to explore those options;

(ii) A list of financial documents borrowers should collect and be prepared to present to the beneficiary or authorized agent when discussing options for avoiding foreclosure;

(iii) A toll-free telephone number or charge-free equivalent for borrowers who wish to discuss options for avoiding foreclosure with their beneficiary or authorized agent; and

(iv) The toll-free telephone number or charge-free equivalent made available by the department to find a department-approved housing counseling agency.

(6) Subsections (1) and (5) of this section do not apply if the borrower has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property

to the trustee, beneficiary, or authorized agent.

(7)(a) This section applies only to deeds of trust that are recorded against (~~owner-occupied~~) residential real property of up to four units. This section does not apply to deeds of trust: (i) Securing a commercial loan; (ii) securing obligations of a grantor who is not the borrower or a guarantor; or (iii) securing a purchaser's obligations under a seller-financed sale.

(b) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(8) As used in this section:

(a) "Department" means the United States department of housing and urban development.

(b) "Seller-financed sale" means a residential real property transaction where the seller finances all or part of the purchase price, and that financed amount is secured by a deed of trust against the subject residential real property.

(9) The form of declaration to be provided by the beneficiary or authorized agent as required under subsection (2) of this section must be in substantially the following form:

"FORECLOSURE LOSS MITIGATION FORM

Please select applicable option(s) below.

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that [check the applicable box and fill in any blanks so that the beneficiary, authorized agent, or trustee can insert, on the beneficiary's behalf, the applicable declaration in the notice of default required under chapter 61.24 RCW]:

(1) []The beneficiary or beneficiary's authorized agent has contacted the borrower under, and has complied with, RCW 61.24.031 (contact provision to "assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure") and the borrower responded but did not request a meeting.

(2) []The beneficiary or beneficiary's authorized agent has contacted the borrower as required under RCW 61.24.031

and the borrower or the borrower's designated representative requested a meeting. A meeting was held on (insert date, time, and location/telephonic here) in compliance with RCW 61.24.031.

(3) [] The beneficiary or beneficiary's authorized agent has contacted the borrower as required in RCW 61.24.031 and the borrower or the borrower's designated representative requested a meeting. A meeting was scheduled for (insert date, time, and location/telephonic here) and neither the borrower nor the borrower's designated representative appeared.

(4) [] The beneficiary or beneficiary's authorized agent has exercised due diligence to contact the borrower as required in RCW 61.24.031(5) and the borrower did not respond.

(5) [] The borrower has surrendered the secured property as evidenced by either a letter confirming the surrender or by delivery of the keys to the secured property to the beneficiary, the beneficiary's authorized agent or to the trustee.

Additional Optional Explanatory Comments:

Sec. 5. RCW 61.24.165 and 2014 c 164 s 4 are each amended to read as follows:

(1) RCW 61.24.163 applies only to deeds of trust that are recorded against ~~((owner-occupied))~~ residential real property of up to four units. ~~((The property must have been owner-occupied as of the date the initial contact under RCW 61.24.031 was made.))~~

(2) ~~((A borrower under a deed of trust on owner-occupied residential real property who has received a notice of default on or before July 22, 2011, may be referred to mediation under RCW 61.24.163 by a housing counselor or attorney.~~

~~(3))~~ RCW 61.24.163 does not apply to deeds of trust:

- (a) Securing a commercial loan;
- (b) Securing obligations of a grantor who is not the borrower or a guarantor; or
- (c) Securing a purchaser's obligations under a seller-financed sale.

~~((4))~~ (3) RCW 61.24.163 does not apply to association beneficiaries

subject to chapter 64.32, 64.34, or 64.38 RCW.

~~((5))~~ (4) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the borrower is deceased and the person is a successor in interest of the deceased borrower who occupies the property as his or her primary residence. The referring counselor or attorney must determine a person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

~~((6))~~ (5) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the person has been awarded title to the property in a proceeding for dissolution or legal separation. The referring counselor or attorney must determine the person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan."

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 2, line 8, after "of" strike "owner-occupied" and insert "~~((owner-occupied))~~"

On page 2, line 8, after "property" insert "of up to four units"

Representatives Walsh, Ryu and Barkis spoke in favor of the adoption of the amendment.

Amendment (015) was adopted.

The bill was ordered engrossed.

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

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

MOTION

On motion of Representative Griffey, Representative Vick was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1108.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1108, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Vick and Walen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1108, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1063, by Representatives Harris, Cody, Bateman, Kloba, Ortiz-Self, Leavitt, Slatter, Tharinger, Callan, Riccelli, Macri, Rule, Davis and Pollet

Allowing additional renewals for behavioral health professional trainee and associate credentials.

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 Harris and Cody spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1063.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1063, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Vick and Walen.

HOUSE BILL NO. 1063, having received the necessary constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4605, by Representative Sullivan

NOW, THEREFORE, BE IT RESOLVED, That no later than Friday, February 12, 2021, the thirty-third legislative day, the House of Representatives shall meet to consider adoption of permanent House Rules for the Sixty-Seventh Legislature; and

BE IT FURTHER RESOLVED, That temporary House Rules for the Sixty-Seventh Legislature be adopted as follows:

TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE 2021-2022

**HOUSE
RULE NO.**

Rule 1	Definitions
Rule 2	Chief Clerk to Call to Order
Rule 3	Election of Officers
Rule 4	Powers and Duties of the Speaker
Rule 5	Chief Clerk
Rule 6	Executive Rules Committee
Rule 7	Duties of Employees

- Rule 8** Admission to the House
- Rule 9** Absentees and Courtesy
- Rule 10** Bills, Memorials and Resolutions - Introductions
- Rule 11** Reading of Bills
- Rule 12** Amendments
- Rule 13** Final Passage
- Rule 14** Hour of Meeting, Roll Call and Quorum
- Rule 15** Daily Calendar and Order of Business
- Rule 16** Motions
- Rule 17** Members Right to Debate
- Rule 18** Rules of Debate
- Rule 19** Ending of Debate - Previous Question
- Rule 20** Voting
- Rule 21** Reconsideration
- Rule 22** Call of the House
- Rule 23** Appeal from Decision of Chair
- Rule 24** Standing Committees
- Rule 25** Duties of Committees
- Rule 26** Standing Committees - Expenses - Subpoena Power
- Rule 27** Vetoed Bills
- Rule 28** Suspension of Compensation
- Rule 29** Smoking
- Rule 30** Liquor
- Rule 31** Parliamentary Rules
- Rule 32** Standing Rules Amendment
- Rule 33** Rules to Apply for Assembly

Rule 34 Legislative Mailings

Definitions

Rule 1. "Absent" means an unexcused failure to attend.

"Term" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the house in accordance with Article II § 12 of the state Constitution.

"Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.

"Fiscal committee" means the appropriations, capital budget, finance, and transportation committees.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

Chief Clerk to Call to Order

Rule 2. It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

Election of Officers

Rule 3. The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; a deputy speaker pro tempore, who shall serve in absence or in case of the inability of the speaker and speaker pro tempore; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

Powers and Duties of the Speaker

Rule 4. The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no

member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II § 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs as selected by the majority party caucus, and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee and the executive rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

Chief Clerk

Rule 5. The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall perform all administrative duties related to the public records obligations of members of the house.

The chief clerk shall employ, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

Executive Rules Committee

Rule 6. The executive rules committee is hereby established to oversee administrative operations of the house. The committee consists of four members of the majority caucus and three members of the minority caucus, to be named by the speaker and minority leader respectively.

Duties of Employees

Rule 7. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no

circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

Admission to the House

Rule 8. It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

The governor or designees, or both;

Members of the senate;

State elected officials;

Officers and authorized employees of the legislature;

Former members of the house who are not advocating any pending or proposed legislation;

Representatives of the press;

Other persons with the consent of the speaker.

(B) Only members of the house, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

Absentees and Courtesy

Rule 9. No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

Bills, Memorials and Resolutions - Introductions

Rule 10. Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

Any returning member or member-elect may prefile a bill with the chief clerk commencing the first Monday in December preceding any regular session or twenty (20) days before any special session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each

bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

No house bill may be introduced that is identical to any other pending house bill.

Reading of Bills

Rule 11. Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) **FIRST READING.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) **SECOND READING.** Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) **SUBSTITUTE BILLS.** When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) **THIRD READING.** Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) **SUSPENSION CALENDAR.** Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) **HOUSE RESOLUTIONS.** House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Children's Day, Day of Remembrance, Martin Luther King Jr. Day, National Guard Day, and President's Day.

(G) **CONCURRENT RESOLUTIONS.** Reading of concurrent resolutions may be advanced by majority vote.

Amendments

Rule 12. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 11(E) and as follows:

(A) **AMENDMENTS TO BE OFFERED IN PROPER FORM.** The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) **COMMITTEE AMENDMENTS.** When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) **SENATE AMENDMENTS TO HOUSE BILLS.** A house bill, passed by the senate with amendment or

amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) AMENDMENTS TO BE GERMANE. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) SCOPE AND OBJECT NOT TO BE CHANGED. No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

(F) NO AMENDMENT BY REFERENCE. No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) TITLE AMENDMENTS. The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

Final Passage

Rule 13. Rules relating to bills on final passage are as follows:

(A) BUDGET BILLS. No final passage vote may be taken on an operating budget, transportation budget, or capital budget bill until twenty-four (24) hours after the bill is placed on the third reading calendar. The twenty-four (24) hour requirement does not apply to conference reports, which are governed by Joint Rule 20, or to bills placed on the third reading calendar by a two-thirds (2/3) vote of the members present.

(B) RECOMMITMENT BEFORE FINAL PASSAGE. A bill may be recommitted at any time before its final passage.

(C) FINAL PASSAGE. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II § 22)

(D) BILLS PASSED - CERTIFICATION. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

Hour of Meeting, Roll Call and Quorum

Rule 14. (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 22(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

Daily Calendar and Order of Business

Rule 15. The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

Motions

Rule 16. Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

- (1) Privileged motions:
 - Adjourn
 - Adjourn to a time certain
 - Recess to a time certain
 - Reconsider
 - Demand for division
 - Question of privilege
 - Orders of the day

- (2) Subsidiary motions:

First rank:	Question of consideration
Second rank:	To lay on the table
Third rank:	For the previous question
Fourth rank:	To postpone to a day certain
	To commit or recommit
	To postpone indefinitely
Fifth rank:	To amend

- (3) Incidental motions:

Points of order and appeal

Method of consideration

Suspension of the rules

Reading papers

Withdraw a motion

Division of a question

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 23.

Motions to adopt house resolutions shall be decided without debate, except as provided in Rule 11(F).

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

Members Right to Debate

Rule 17. The methods by which a member may exercise his or her right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent

of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 19 (Previous Question).

Rules of Debate

Rule 18. The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the distribution. This shall not apply to materials normally distributed by the chief clerk.

(E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) DIVISION OF POINTS OF DEBATE. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) DECORUM OF MEMBERS. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) REMARKS CONFINED. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) EXCEPTION TO WORDS SPOKEN IN DEBATE. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) TRANSGRESSION OF RULES - APPEAL. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

Ending of Debate - Previous Question

Rule 19. The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative _____ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

Voting

Rule 20. (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) ALL MEMBERS TO VOTE. Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) PRIVATE INTEREST. No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

(E) INTERRUPTION OF ROLL CALL. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) YEAS AND NAYS - RECORDED VOTES. Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(G) TIE VOTE, QUESTION LOSES. In case of an equal division, the question shall be lost.

(H) DIVISION. If the speaker is in doubt, or if division is

called for by any member, the house shall divide.

(I) STATEMENT FOR JOURNAL. A member whose recorded vote does not accurately reflect his or her intent may submit a written statement for the journal clarifying their intent to vote aye or nay. The statement must be submitted to the chief clerk on the same day the vote is taken. A member who is excused for one or more days of recorded votes may submit a written statement for the journal explaining the reason for his or her absence. The statement may not exceed fifty words and must be submitted to the chief clerk on the same day the member returns.

Reconsideration

Rule 21. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to

the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

Call of the House

Rule 22. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) DOORS TO BE CLOSED. When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) HOUSE UNDER CALL. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

Appeal from Decision of Chair

Rule 23. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

Rule 24. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Appropriations	33
2. Capital Budget	23
3. Children, Youth & Families	13
4. Civil Rights & Judiciary	17
5. College & Workforce Development	13
6. Commerce & Gaming	9
7. Community & Economic Development	13
8. Consumer Protection & Business	7
9. Education	13
10. Environment & Energy	13
11. Finance	17
12. Health Care & Wellness	15
13. Housing, Human Services & Veterans	9
14. Labor & Workplace Standards	7
15. Local Government	7
16. Public Safety	13
17. Rules	27
18. Rural Development, Agriculture & Natural Resources	15
19. State Government & Tribal Relations	7
20. Transportation	29

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs.

Duties of Committees

Rule 25. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) COMMITTEE QUORUM. A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may prepare a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage.

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

(9) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

(10) Insofar as practicable, testimony in public hearings should be balanced between those in support of and in opposition to proposed legislation, with consideration given to providing an opportunity for members of the public to testify within available time.

Standing Committees - Expenses - Subpoena Power

Rule 26. Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any process, the committee chairperson shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

Vetoed Bills

Rule 27. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

Suspension of Compensation

Rule 28. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime

punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

Smoking

Rule 29. Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

Liquor

Rule 30. The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

Parliamentary Rules

Rule 31. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Standing Rules Amendment

Rule 32. Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 11.

Rules to Apply for Assembly

Rule 33. The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

Legislative Publications

Rule 34. The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

Appendix to House Rules

The house of representatives of the sixty-seventh legislature acknowledges that the COVID-19 pandemic requires the adoption of extraordinary rules of procedure that protect the health of members, staff, and the public, and ensure transparency and openness in house proceedings.

Pursuant to Article II, Section 9 of the state Constitution, the house of representatives hereby adopts the following

Appendix Rules A-1 through A-10 to govern its proceedings during the COVID-19 state of emergency.

Application of Rules

Rule A-1. Reed's Parliamentary Rules and the Rules of the House of Representatives are hereby superseded to the extent they are inconsistent with the rules set forth in this appendix.

Remote Participation and Voting Authorized

Rule A-2. House members shall participate remotely in official house proceedings, including committee meetings and floor sessions, and when doing so, shall be considered present for purposes of a quorum and voting.

Members are encouraged to use computers provided by the house to participate in committee meetings. Members are required to use computers provided by the house to cast votes in remote floor sessions and are required to use the virtual background provided by the house for their video display.

Admittance to House Facilities

Rule A-3. Admittance to house facilities is permitted only as follows:

(1) Presiding officers, the minority leader, floor leaders, and staff essential to floor operations are permitted in the chamber during floor proceedings.

(2) Including the members identified in subsection (1) of this rule, each caucus may designate 15 members to participate remotely from their assigned legislative offices. Each caucus must prioritize members with technological problems that preclude remote participation.

(3) The executive rules committee may authorize additional members of the house to participate remotely from their assigned legislative offices upon a showing that technological problems preclude participation from the member's home or an alternate district location.

(4) Staff may access house facilities only with prior approval of the chief clerk.

Any person permitted access to house facilities must comply with public health requirements both on and off campus, and any other restriction established by executive rules and/or the chief clerk.

House Resolutions

Rule A-4. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Day of Remembrance, Martin Luther King Jr. Day, President's Day, National Guard Day, and Navy Day. Floor debate on commemorative resolutions is limited to 10 minutes for members of the majority caucus and 10 minutes for members of the minority caucus.

Members Right to Debate

Rule A-5. Any member who desires to speak may request to be recognized by use of the request to speak function in the remote floor activity system.

No member may speak longer than 10 minutes without consent of the house, PROVIDED, that on and after the fifth day prior to the day of adjournment Sine Die of any session, as determined by Article II, Section 12 of the state Constitution or concurrent resolution, and on and after the fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member may speak more than three minutes without consent of the house.

Amendments

Rule A-6. To facilitate the orderly consideration of legislation, the speaker, after consultation with the minority leader, may establish a deadline for submission of amendments.

Voting

Rule A-7. The speaker shall divide the house on all motions not requiring a recorded roll call vote. A member is not required to participate in a division vote.

All members present in the remote floor proceedings shall vote when the question is put on any motion requiring a recorded roll call vote. Before locking the roll call machine, the presiding officer shall call the name of any member not voting. If a member is unable to vote using the remote voting function, the member may vote orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

Any member who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the same day the vote is taken or submit a statement for the journal indicating their intent to vote yea or nay.

Distribution of Materials

Rule A-8. Any requirement to distribute materials to members' desks is satisfied by distribution through electronic means.

Duties of Committees

Rule A-9. Every notice of a committee meeting shall include a web address for information about viewing and providing public testimony at committee meetings in lieu of a physical location.

Every member participating remotely in a committee meeting shall be considered present for purposes of quorum and roll call voting.

Only such bills as are included on the written notice of a committee meeting may be considered at that meeting.

Every report and recommendation shall be made by members of the committee during a regularly called meeting of the committee. No signatures are required.

Every vote to report a bill out of committee shall be taken by the yeas and nays, with nays specifying "do not pass" or "without recommendation."

A meeting shall be considered open to the public if an alternate and broadly accessible means for the public to view the meeting is available.

Term of Appendix Rules

Rule A-10. The rules in this appendix expire on the termination of the COVID-19 state of emergency.

There being no objection, HOUSE RESOLUTION NO. 4605 was adopted.

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

**SUPPLEMENTAL
REPORTS OF STANDING COMMITTEES**

January 28, 2021

HB 1367 Prime Sponsor, Representative Ormsby: Revising 2019-2021 fiscal biennium appropriations of state and federal funding for previously implemented medicaid rates and other medicaid expenditures in the developmental disabilities and long-term care programs in response to the COVID-19 pandemic. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris;

Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

January 28, 2021

HB 1368 Prime Sponsor, Representative Ormsby: Responding to the COVID-19 pandemic through state actions supported by federal funding. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Harris and Schmick.

There being no objection, the bills listed on the day's supplemental committee reports under the fifth order of business were placed on the second reading calendar.

There being no objection, the House adjourned until 8:30 a.m., February 1, 2021, the 22nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker
BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY SECOND DAY

House Chamber, Olympia, Monday, February 1, 2021

The House was called to order at 8:30 a.m. by the Speaker (Representative Lovick presiding).

The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative David Hackney, 11th Legislative District.

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

RESOLUTION

HOUSE RESOLUTION NO. 2021-4603, by Representatives Taylor, 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, Jinkins, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, 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, and Young

WHEREAS, President Reagan issued the Presidential Proclamation 5443 which declared "the foremost purpose of Black History Month is to make all Americans aware of this struggle for freedom and equal opportunity." It also states that this month is a time "to celebrate the many achievements of African Americans in every field from science and the arts to politics and religion."; and

WHEREAS, The desire to succeed and contribute to America caused Black Americans to defy racial hostility, Jim Crow Laws, and the remnants of other economic and social injustices; and

WHEREAS, Kamala Devi Harris, Vice President of the United States, is the first woman, the first Black person and the first South Asian American person to ever hold the position, coming from a diverse family where her father was Jamaican and her mother was the daughter of an Indian diplomat, and Harris is a representation of the diversity in our nation; and

WHEREAS, Marilyn Strickland became the first Black woman to represent the State of Washington at the federal level in the United States House of Representatives, and she

is one of the first Korean American women to be elected to Congress in its 230 year history; and

WHEREAS, G. Helen Whitener is the first Black woman to serve on the Washington State Supreme Court, the fourth immigrant-born Justice, and the first Black LGBT judge in the State of Washington; and

WHEREAS, It is because of women like Vice President Harris, Congresswoman Strickland, and Justice Whitener that we have made the progress we have in our communities here in Washington; and

WHEREAS, We also recognize the vision of inspiring political leaders such as George Washington Bush, a Black Pioneer, and one of the earliest permanent American settlers in the Washington Territory in 1845, William Owen Bush, the first Black person to serve in the legislature in 1889, John H. Ryan, the only Black American to serve in the legislature under three different parties (Farm-Labor, Republican, and Democrat), John Lewis, Civil Rights leader and United States Congressman, and Barack Obama, the first Black President of the United States; and

WHEREAS, The list of contributions by other Black Americans to the socioeconomic and cultural fabric of Washington State is long, and includes the writings of Frederick Douglass, Booker T. Washington, Ralph Ellison, Octavia Butler, and Toni Morrison; and

WHEREAS, Scientific achievements include the inventions of George Washington Carver and the three NASA workers—Katherine Goble, Mary Jackson, and Dorothy Vaughan—whose calculations helped put astronauts on the moon; and

WHEREAS, Black soldiers helped unite the military and the nation, from formerly enslaved people fighting in the Civil War to the Tuskegee Airmen who helped win World War II; and

WHEREAS, Warriors for justice and equality include Sojourner Truth, Harriet Tubman, Fannie Lou Hamer, Thurgood Marshall, Rosa Parks, and the Rev. Dr. Martin Luther King, Jr.;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate Black History Month and recognize the legacy and innumerable contributions of Black Americans to the lives of Washingtonians, not only in February but throughout the whole year.

There being no objection, HOUSE RESOLUTION NO. 4603 was adopted.

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

INTRODUCTION & FIRST READING

HB 1433 by Representatives Kloba, Sutherland, Ryu, J. Johnson, Valdez, Dolan, Young, Ramel, Bergquist, Eslick, Jacobsen and Harris-Talley

AN ACT Relating to creating a charter of people's personal data rights; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1434 by Representatives Dent, Orwall, Sutherland, Chambers, Graham, Klicker, Dufault, Lovick, Peterson, Volz, J. Johnson, Schmick, Valdez, Mosbrucker, Hoff, Callan, Barkis, Klippert, Chandler, Eslick, Boehnke, Rule and Pollet

AN ACT Relating to agricultural community mental health hotline services; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1435 by Representatives Kretz, Sutherland, Graham, Dent, Eslick and Ormsby

AN ACT Relating to authorizing local authorities to implement bicycle tour permits; adding a new section to chapter 36.75 RCW; adding a new section to chapter 35.75 RCW; and adding a new section to chapter 35A.47 RCW; and prescribing penalties.

Referred to Committee on Local Government.

HB 1436 by Representatives Walsh, Sutherland, Graham, Young, Volz, Mosbrucker, Boehnke, Chase, Barkis, Eslick, Dent, Jacobsen and Kraft

AN ACT Relating to encouraging economic recovery by reducing regulatory burdens during declared public health crises; adding a new section to chapter 43.06 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 70A.15 RCW; adding a new section to chapter 77.55 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 58.17 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1437 by Representatives MacEwen and Eslick

AN ACT Relating to a vessel crewmember license; and amending RCW 77.65.610.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1438 by Representatives Orcutt, Sutherland, Graham, Young, Volz and Eslick

AN ACT Relating to expanding eligibility for property tax exemptions for service-connected disabled veterans and senior citizens by modifying income thresholds for eligibility to allow deductions for common health care-related expenses; and reenacting and amending RCW 84.36.383.

Referred to Committee on Appropriations.

HB 1439 by Representatives Orcutt, Graham and Volz

AN ACT Relating to authorizing military surplus vehicles to operate on public highways; amending RCW 46.04.123, 46.04.126, 46.18.220, and 46.37.010; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.12 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1440 by Representatives Boehnke, Sutherland, Chambers, Graham, Volz, Eslick and Jacobsen

AN ACT Relating to bringing innovation and investment to Washington's economy by streamlining the requirements for deployment of small wireless facilities; and adding a new chapter to Title 80 RCW.

Referred to Committee on Community & Economic Development.

HB 1441 by Representatives Morgan, Macri, Simmons, Berry, J. Johnson, Davis, Valdez, Taylor, Wicks, Fitzgibbon, Ramel, Bergquist, Chopp, Gregerson, Peterson, Ormsby, Pollet, Hackney, Thai, Berg and Harris-Talley

AN ACT Relating to prohibiting discrimination against prospective tenants for unpaid rent or eviction during the COVID-19 pandemic; adding a new section to chapter 59.18 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Housing, Human Services & Veterans.

HB 1442 by Representatives Chase, Sutherland, Caldier, Schmick, Eslick and Kraft

AN ACT Relating to epidemic and pandemic preparedness; amending RCW 70.26.020; adding new sections to chapter 70.26 RCW; and repealing RCW 70.26.010, 70.26.030, 70.26.040, 70.26.050, 70.26.060, and 70.26.070.

Referred to Committee on Health Care & Wellness.

HB 1443 by Representatives Morgan, Wicks, Simmons, Berry, J. Johnson, Ramel, Kloba, Ryu, Peterson, Ormsby, Ortiz-Self, Harris-Talley and Macri

AN ACT Relating to social equity within the cannabis industry; amending RCW 43.330.540, 69.50.335, and 69.50.336; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1444 by Representatives Rule, Wicks, Simmons, Berry, J. Johnson, Taylor, Orwall, Ryu, Fitzgibbon, Ramel, Wylie, Pollet, Thai and Harris-Talley

AN ACT Relating to providing trauma-informed counseling and supports to students who were impacted by the COVID-19 pandemic; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.320 RCW; and providing expiration dates.

Referred to Committee on Education.

HB 1445 by Representatives Thai, Cody, Ormsby, Pollet and Harris-Talley

AN ACT Relating to the definition of compounding for purposes of the practice of pharmacy; and reenacting and amending RCW 18.64.011.

Referred to Committee on Health Care & Wellness.

HB 1446 by Representative Fey

AN ACT Relating to prohibiting a utility from being assessed a penalty for not meeting its biennial acquisition target for cost-effective conservation in special circumstances outside the utility's control; and amending RCW 19.285.040 and 19.285.060.

Referred to Committee on Environment & Energy.

HB 1447 by Representatives Walen, Simmons, Ramel, Shewmake, Ormsby, Pollet, Hackney and Macri

AN ACT Relating to garnishment of a debtor's wages, funds, or other property; amending RCW 6.15.010 and 6.27.100; creating a new section; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1448 by Representatives Mosbrucker, Griffey, Sutherland, Graham, Dent, Volz and Jacobsen

AN ACT Relating to prohibiting the deduction of payments to volunteer firefighters from unemployment insurance benefits; amending RCW 50.04.310 and 50.20.130; and creating new sections.

Referred to Committee on Labor & Workplace Standards.

HB 1449 by Representatives Mosbrucker, Caldier, Graham and Rule

AN ACT Relating to creating the crime of coercive control; amending RCW 9A.46.060; reenacting and amending RCW 10.99.020; adding a new section to chapter 9A.46 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety.

HB 1450 by Representatives Gregerson, Stonier, Tharinger, Dolan, Fitzgibbon, Hansen, Lovick, Berry, Callan, Ryu, Taylor, Davis, Wicks, Simmons, Valdez, Senn, J. Johnson, Ramel, Kloba, Bergquist, Ormsby, Riccelli, Pollet, Ortiz-Self, Duerr, Hackney, Thai, Berg, Harris-Talley and Macri

AN ACT Relating to procuring, and supporting the use of, appropriate computers and devices for public school students and instructional staff by levying a tax on wireless devices; amending RCW 28A.650.020, 28A.635.060, 28A.650.010, and 82.32.145; reenacting and amending RCW 28A.650.015; adding new sections to chapter 28A.650 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; adding a new chapter to Title 82 RCW; creating a new section; repealing RCW 28A.650.025 and 28A.650.030; prescribing penalties; and providing an effective date.

Referred to Committee on Education.

SSB 5013 by Senate Committee on State Government & Elections (originally sponsored by Hunt, Kuderer, Wilson and C.)

AN ACT Relating to local redistricting deadlines; amending RCW 29A.76.010; reenacting and amending RCW 29A.92.050; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

ESSB 5024 by Senate Committee on Law & Justice (originally sponsored by Padden, Pedersen, Brown, Gildon, Holy, Mullet, Short and Van De Wege)

AN ACT Relating to reducing barriers to condominium construction; and amending RCW 64.55.010, 64.90.645, and 64.04.005.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5044 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Das,

Wellman, Darneille, Hasegawa, Hunt, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Stanford, Wilson and C.)

January 28, 2021

AN ACT Relating to equity, cultural competency, and dismantling institutional racism in the public school system; amending RCW 28A.345.100, 28A.415.420, 28A.150.415, 28A.410.260, and 28A.410.270; adding a new section to chapter 28A.415 RCW; creating a new section; and repealing RCW 28A.657.140.

Referred to Committee on Appropriations.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

February 16, 2021

HB 1028 Prime Sponsor, Representative Bergquist: Concerning evaluation and recommendation of candidates for residency teacher certification. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

January 28, 2021

HB 1037 Prime Sponsor, Representative Kirby: Concerning insurance adjusters. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

HB 1041 Prime Sponsor, Representative Springer: Concerning sunshine committee recommendations regarding juveniles. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1061 Prime Sponsor, Representative Senn: Concerning youth eligible for developmental disability services who are expected to exit the child welfare system. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

January 28, 2021

HB 1067 Prime Sponsor, Representative Morgan: Designating the Suciasaurus rex as the official dinosaur of the state of Washington. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1069 Prime Sponsor, Representative Pollet:
Concerning local government fiscal
flexibility. Reported by Committee on
Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Vick and Young.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1070 Prime Sponsor, Representative Ryu:
Modifying allowed uses of local tax
revenue for affordable housing and related
services to include the acquisition and
construction of affordable housing and
facilities. Reported by Committee on
Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary and Vick.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1071 Prime Sponsor, Representative Valdez:
Concerning bias-based criminal offenses.
Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Griffey; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Graham and Young.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1072 Prime Sponsor, Representative Lekanoff:
Removing only one of the restrictions on
the use of civil legal aid funds. Reported
by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1113 Prime Sponsor, Representative Ortiz-Self:
Concerning school attendance. Reported
by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1122 Prime Sponsor, Representative Lovick:
Concerning the retirement age for state
guard members. Reported by Committee
on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1126 Prime Sponsor, Representative Goodman:
Limiting tolling of community custody
terms. Reported by Committee on
Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier and Rude.

Referred to Committee on Appropriations.

February 17, 2021

HB 1173 Prime Sponsor, Representative Berry:
Concerning state lands development
authorities. Reported by Committee on
Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Bateman; Kloba; Leavitt; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives McEntire, Assistant Ranking Minority Member; Dye; Eslick; Gilday; Kraft; MacEwen; Maycumber; Mosbrucker and Volz.

Referred to Committee on Capital Budget.

January 28, 2021

HB 1181 Prime Sponsor, Representative Orwall:
Establishing programs and measures to
prevent suicide among veterans and
military members. Reported by Committee
on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

Referred to Committee on Appropriations.

February 11, 2021

HB 1186 Prime Sponsor, Representative Goodman:
Concerning juvenile rehabilitation.
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Chandler; Dye; Hoff; Rude and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Harris; Jacobsen and Schmick.

Referred to Committee on Appropriations.

February 16, 2021

HB 1194 Prime Sponsor, Representative Ortiz-Self:
Strengthening parent-child visitation
during child welfare proceedings.
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Appropriations.

February 16, 2021

HB 1227 Prime Sponsor, Representative Ortiz-Self: Protecting the rights of families responding to allegations of abuse or neglect of a child. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member and Caldier.

Referred to Committee on Appropriations.

January 28, 2021

HB 1237 Prime Sponsor, Representative Eslick: Defining family resource centers. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self; Wicks and Young.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1250 Prime Sponsor, Representative Orcutt: Designating Washington a purple heart state. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh,

Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

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

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

SECOND READING

HOUSE BILL NO. 1367, by Representatives Ormsby, Bergquist, Ramos, Callan, Gregerson, Simmons, Berry, Sullivan, Leavitt, Kloba, Macri, Ramel and Harris-Talley

Revising 2019-2021 fiscal biennium appropriations of state and federal funding for previously implemented medicaid rates and other medicaid expenditures in the developmental disabilities and long-term care programs in response to the COVID-19 pandemic.

The bill was read the second time.

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

Representatives Ormsby and Stokesbary spoke in favor of the passage of the bill.

MOTION

On motion of Representative Graham, Representative Griffey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1367.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1367, 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, 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.

Excused: Representative Griffey.

HOUSE BILL NO. 1367, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1368, by Representatives Ormsby, Macri, Ramos, Callan, Gregerson, Berry, Sullivan, Leavitt, Duerr, Bergquist, Kloba, Riccelli, Ramel, Harris-Talley and Pollet

Responding to the COVID-19 pandemic through state actions supported by federal funding.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1368 was substituted for House Bill No. 1368 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1368 was read the second time.

Representative Dufault moved the adoption of amendment (026):

On page 2, line 5, increase the general fund-federal appropriation by \$300,000,000

On page 2, line 6, correct the total.

On page 2, line 10, after "(CRRSA)" strike "is" and insert "and \$300,000,000 of the general fund-federal appropriation (CRF) are"

On page 16, after line 24, insert the following:

"NEW SECTION. Sec. 19. FOR THE OFFICE OF FINANCIAL MANAGEMENT-RECOVERY REBATE ACCOUNT

General Fund-Federal Appropriation . . . \$200,000,000

TOTAL APPROPRIATION . . . \$200,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund-federal appropriation (CRF) is provided solely for expenditure into the recovery rebate account from which it may be used solely to administer remittances as authorized in RCW 82.08.0206.

\$100,000,000 of the amount provided in this section is provided solely to increase remittance amounts pursuant to House Bill No. 1319 (recovery rebate) and shall lapse if the bill is not enacted by June 30, 2021."

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

On page 18, after line 14, insert the following:

"NEW SECTION. Sec. 20. A new section is added to chapter 82.08 RCW to read as follows:

The recovery rebate account is created in the custody of the state treasurer. All receipts from legislative appropriations must be deposited into the account. Expenditures from the account may only be used for the department to make remittances to eligible low-income persons under RCW 82.08.0206 and for associated administrative costs for the department of revenue. Only the director of the department of revenue or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required."

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

Correct the title.

Representatives Dufault and Stokesbary spoke in favor of the adoption of the amendment.

Representative Macri spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (026) and the amendment was not adopted by the following vote: Yeas: 43; Nays: 54; Absent: 0; Excused: 1

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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis,

Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Griffey

Representative Chambers moved the adoption of amendment (028):

On page 5, line 7, after "section," strike "\$120,000,000" and insert "\$150,000,000"

On page 5, line 24, after "section," strike "\$120,000,000" and insert "\$90,000,000"

On page 6, line 9, after "(4)" strike all material through "section." on line 15 and insert "Grant awards are subject to the availability of amounts appropriated in this section."

On page 6, line 21, after "up to a" strike "\$20,000" and insert "\$75,000"

On page 6, line 22, after "(b)" strike all material through "(c)" at the beginning of line 30

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

On page 6, line 31, after "the grant" strike "under this program" and insert "awarded under this section"

On page 6, beginning on line 34, strike all of subsection (d)

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

On page 7, after line 17, insert the following:

"(8) The department is authorized to shift funding among the purposes in subsections (2) and (3) of this section based on over or underutilization of the different types of grants."

Representatives Chambers and Ormsby spoke in favor of the adoption of the amendment.

Amendment (028) was adopted.

Representative Ormsby moved the adoption of amendment (029):

On page 9, line 28, after "department" strike "must" and insert "may"

On page 9, line 33, after "contract" strike "must" and insert "may"

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

Representative Walsh spoke against the adoption of the amendment.

Amendment (029) was adopted.

Representative Corry moved the adoption of amendment (025):

On page 11, line 14, increase the general fund-federal appropriation for fiscal year 2021 by \$75,000,000

On page 11, line 15, correct the total.

On page 11, line 18, strike "\$50,000,000" and insert "\$125,000,000"

On page 11, line 24, strike "\$28,800,000" and insert "\$90,800,000"

On page 11, line 27, after "amounts are" insert "at least"

On page 11, line 27, after "with" insert "at least"

On page 11, line 28, after "65 slots." insert "Recipients of grant awards must agree to remain open and serve children through the end of the 2020-21 school year."

On page 11, line 29, strike "\$6,000,000" and insert "\$19,000,000"

On page 11, line 32, strike "\$6,500." and insert "at least \$6,500. Recipients of grant awards must agree to remain open and serve children through the end of the 2020-21 school year."

Representatives Corry, Dent, Corry (again) and Stokesbary spoke in favor of the adoption of the amendment.

Representative Bergquist spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (025) and the amendment was not adopted by the following vote: Yeas: 43; Nays: 54; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent,

Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

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

Excused: Representative Griffey

Representative Steele moved the adoption of amendment (027):

On page 12, line 27, after "FUND" insert "AND CORONAVIRUS RELIEF FUND"

On page 12, line 28, increase the general fund-federal appropriation fiscal year 2021 by \$500,000,000

On page 12, line 29, correct the total

On page 14, after line 14, insert the following:

"(4) \$160,000,000 of the general fund-federal appropriation (CRF) is provided solely for allocations to local education agencies to provide a one-time \$300 stipend per student eligible for free and reduced-price lunch to the eligible student's parent or guardian to support additional costs associated with school closures. To be eligible, the student must have attended a school within a local education agency and been eligible for free and reduced-price lunch at any point after April 1, 2020, while the school was closed to in-person instruction. Local education agencies must use applications for free and reduced-price lunch programs to determine eligibility and must report to the superintendent of public instruction the number of students eligible. The superintendent must allocate funding for the stipend to local education agencies based on the number of eligible students. The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the stipend.

(5) \$340,000,000 of the general fund-federal appropriation (CRF) is provided solely for allocations to local education agencies to provide accelerated learning opportunities to address student needs that are anticipated due to school

closures and extended time in remote learning mode due to the COVID-19 pandemic.

(a) The office of the superintendent of public instruction shall allocate the amount provided in this subsection based on the following criteria:

(i) The amounts are provided solely for additional instructional support programs, which may include additional school days, additional instructional time, summer learning programs, and other programs providing additional instruction based on an evaluation of student needs.

(ii) Local education agencies must identify specific diagnostic assessment tools and identify student learning gaps and focus additional time and supports on students that will benefit most from interventions, giving priority to low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care.

(b) Schools must report progress on meeting learning gaps in a manner identified by the office of the superintendent of public instruction.

(c) Local education agencies may not use funding provided in this section to support ongoing increases to programs or compensation."

Representatives Steele, Abbarno, Barkis, Boehnke, Stokesbary, Walsh and Stokesbary (again) spoke in favor of the adoption of the amendment.

Representatives Gregerson, Dolan and Sullivan spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (027) and the amendment was not adopted by the following vote: Yeas: 43; Nays: 54; Absent: 0; Excused: 1

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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis,

Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Griffey

Representative Caldier moved the adoption of amendment (023):

On page 12, line 28, increase the general fund-federal appropriation by \$156,722,000

On page 12, line 29, correct the total

On page 12, line 32, after "(1)" strike "\$668,130,000" and insert "\$824,852,000"

On page 13, line 1, after "agencies" strike all material through "(2)" on line 3 and insert "as follows:"

On page 13, line 3, after "(a)" insert the following:

"One-half of the subgrant must be allocated when the superintendent of public instruction receives the local education agency's 2020-21 reopening plan as required in (e) of this subsection for in-person instruction to all grades as determined by the test positivity rates defined in (d) of this subsection.

(b) One-half of the subgrant must be allocated when the local education agency reopens for in-person instruction to all grades as determined by the test positivity rates defined in (d) of this subsection.

(c) (i) For local education agencies in counties with a test positivity rate of less than five percent in the week prior to submitting a plan or reopening, the requirements of (a) and (b) of this subsection apply to all students.

(ii) For local education agencies in counties with a test positivity rate of five percent to ten percent in the week prior to submitting a plan or reopening, the requirements of (a) and (b) of this subsection apply to grades kindergarten through eighth.

(iii) For local education agencies in counties with a test positivity rate of greater than ten percent in the week prior to submitting a plan or reopening, the requirements of (a) and (b) of this subsection apply to grades kindergarten through fifth.

(d) For purposes of this subsection, "test positivity rate" means the percentage of individuals testing positive for COVID-19 over a week period compared to the total number of tests during that week among individuals that have not previously tested positive.

(e) (i) "

On page 13, line 3 after "March 1, 2021," insert "and as soon as practicable,"

On page 13, at the beginning of line 7, strike "(b)" and insert "(ii)"

On page 13, at the beginning of line 10, strike "(i)" and insert "(A)"

On page 13, at the beginning of line 12, strike "(ii)" and insert "(B)"

On page 13, at the beginning of line 14, strike "(iii)" and insert "(C)"

On page 13, beginning on line 16, strike all material through "(d)" on line 19 and insert "(iii)"

On page 13, at the beginning of line 22, strike "(3)" and insert "(2)"

Representatives Caldier, Ybarra and Stokesbary spoke in favor of the adoption of the amendment.

Representative Sullivan spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (023) and the amendment was not adopted by the following vote: Yeas: 43; Nays: 54; Absent: 0; Excused: 1

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

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

Excused: Representative Griffey

Representative MacEwen moved the adoption of amendment (024):

On page 18, after line 14, insert the following:

"NEW SECTION. Sec. 20. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 UNEMPLOYMENT ACCOUNT

General	Fund—Federal
Appropriation.....	\$500,000,000
TOTAL	
APPROPRIATION.....	..\$500,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (CRF) is provided solely for expenditure into the COVID-19 unemployment account, from which the employment security department may make expenditures from this sum solely for the purposes described in section 21 of this act. If equivalent federal funding of at least \$500,000,000 is provided for the purposes of section 21 of this act, referencing that section by bill or chapter and section number, then the appropriation in this section shall lapse.

Sec. 21. RCW 50.29.100 and 2020 c 7 s 5 are each amended to read as follows:

(1) By ~~((September 30, 2020))~~ April 1, 2022, a contribution paying employer may submit an application to the employment security department to have the approved benefits paid to approved employees be reimbursed by the COVID-19 unemployment account instead of charged to the employer's experience rating account. The application must be submitted in a form and manner approved by the department through rule.

(2) The department should not approve an application if the benefits paid will not otherwise be charged to the employer's experience rating account or if the employer was otherwise eligible to receive relief of benefit charges.

(3) If the department approves an employer's application, the department will not charge the forgiven benefits to the employer's experience rating account. The commissioner shall instead transfer from the COVID-19 unemployment account to the unemployment trust fund account an amount equal to the forgiven benefits.

(4) If the department rejects an employer's application, the department shall present the employer with the reasons why the application was rejected. The reasons for the rejection are final and nonappealable.

(5) For purposes of this section, the following definitions apply:

(a) "Approved employee" means an employee who:

(i) Was ~~((temporarily))~~ laid off as a direct or indirect consequence of ~~((an outbreak of COVID-19,~~

~~((ii) Was approved by the department to be on standby pursuant to rules adopted by the department;~~

~~((iii) Has returned to the same employer with the employer the employee had prior to the temporary unemployment; and~~

~~((iv)) a gubernatorial declaration of emergency or related executive order; and~~

(ii) Meets other criteria the department may establish by rule.

(b) "Approved benefits" means benefits paid to an approved employee ~~((while the approved employee was on standby))~~ for an eligible claim pursuant to rules adopted by the department.

(c) "Total approved benefits" means the sum total of all approved benefits paid to all approved employees.

(d) "Eligible claim" means a claim for weeks of unemployment on or after February 29, 2020, and before March 1, 2022, or 30 days after the expiration of the gubernatorial declaration of emergency, whichever is earlier.

(e) "Forgiveness ratio" is computed by dividing the amount of money in the COVID-19 unemployment account by the total approved benefits. The forgiveness ratio cannot be more than 1.

~~((e))~~ (f) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(6) The department shall adopt such rules as are necessary to carry out the purposes of this section.

(7) This section expires ~~((July 30, 2021))~~ December 1, 2022."

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

Correct the title.

Representatives MacEwen, Eslick and Hoff spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (024) and the amendment was not adopted by the following vote: Yeas: 44; Nays: 53; Absent: 0; Excused: 1

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

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

Excused: Representative Griffey

The bill was ordered engrossed.

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

Representatives Ormsby, Macri, Santos, Riccelli and Sullivan spoke in favor of the passage of the bill.

Representatives Stokesbary, Schmick, Graham, Barkis, Walsh, Dent, Sutherland, Abbarno, Young and Wilcox 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 House Bill No. 1368.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1368, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Hoff, 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, Volz, Walen, Wicks, Wylie and Mme. Speaker.

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

Excused: Representative Griffey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 2, 2021, the 23rd Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, February 2, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1451 by Representatives Sullivan, Lekanoff and Thai

AN ACT Relating to the entitlement date and definition for the early childhood education and assistance program; amending RCW 43.216.505, 43.216.525, and 43.216.556; reenacting and amending RCW 43.216.010; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1452 by Representatives Mosbrucker, Ybarra, Sutherland and Jacobsen

AN ACT Relating to promoting alternative methods for the earning of physical education credit; adding a new section to chapter 28A.230 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

HB 1453 by Representatives Bergquist, Volz, Valdez, Lekanoff, Shewmake, Sutherland and Riccelli

AN ACT Relating to voters' pamphlets; amending RCW 29A.32.010, 29A.32.020, 29A.32.031, 29A.32.060, 29A.32.070, 29A.32.090, 29A.32.110, 29A.32.121, 29A.32.210, 29A.32.220, 29A.32.230, 29A.32.241, 29A.32.250, 29A.32.260, 29A.32.280, and 29A.72.025; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1454 by Representatives Gregerson, Leavitt, Lekanoff, Ormsby, Bronoske, Hackney and Harris-Talley

AN ACT Relating to illegal, unlicensed child care; amending RCW 43.216.325; adding a new section to chapter 43.216 RCW; and providing an expiration date.

Referred to Committee on Children, Youth & Families.

HB 1455 by Representatives Mosbrucker, Boehnke, Young, Sutherland and Jacobsen

AN ACT Relating to the use of social security numbers by the department of labor and industries and the employment security department; adding a new section to chapter 43.22 RCW; and adding a new section to chapter 50.12 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1456 by Representatives Rule, Ramel, Robertson, Lekanoff, Shewmake and Harris-Talley

AN ACT Relating to minimum staffing levels for Washington main street programs; amending RCW 43.360.030; adding new sections to chapter 43.360 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1457 by Representatives Wylie, Riccelli, Kloba, Santos, Slatter, Shewmake, Ramel and Hackney

AN ACT Relating to facilitating the installation of broadband facilities on limited access highways; amending RCW 47.52.001; and creating a new section.

Referred to Committee on Transportation.

HB 1458 by Representatives Pollet, Duerr, Ryu, Frame and Hackney

AN ACT Relating to amending the growth management act for adaptive planning, affordable housing, and tribal consultation; and amending RCW 36.70A.030, 36.70A.040, 36.70A.080, 36.70A.106, 36.70A.110, 36.70A.190, and 36.70A.210.

Referred to Committee on Local Government.

HB 1459 by Representatives Ybarra, Chapman, Stokesbary, Sutherland and Dent

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.

HB 1460 by Representatives Gregerson, Taylor, Simmons, J. Johnson, Lekanoff, Santos, Slatter, Dolan, Peterson, Callan, Ormsby, Morgan, Bateman, Bergquist, Ramel, Thai, Valdez, Pollet, Lovick, Macri, Chopp, Hackney, Ortiz-Self, Riccelli, Kloba and Harris-Talley

AN ACT Relating to closing the digital divide by establishing excise taxes on telecommunications services to fund the expansion of the universal service programs in Washington; amending RCW 43.330.530, 43.330.532, 43.330.534, 43.330.412, and 80.36.690; adding new sections to chapter 80.36 RCW; adding a new section to chapter 43.330 RCW; adding new chapters to Title 82 RCW; creating a new section; prescribing penalties; and providing effective dates.

Referred to Committee on Appropriations.

HB 1461 by Representatives Rule, Simmons, Lekanoff, Shewmake, Ormsby and Pollet

AN ACT Relating to health coverage for wraparound services; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1462 by Representatives Rule, Lekanoff, Slatter, Shewmake, Bergquist, Pollet and Riccelli

AN ACT Relating to the total compensation for telemedicine services; amending RCW 48.43.735; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1463 by Representatives Davis, Klippert, Ryu, Sutherland, Dent, Ramel, Walen, Ortiz-Self, Callan, Pollet and Eslick

AN ACT Relating to addressing serious mental health consequences of high-potency cannabis products by regulating the sale of cannabis concentrates; amending RCW 69.50.375 and 69.50.325; reenacting and amending RCW 69.50.357; and creating a new section.

Referred to Committee on Commerce & Gaming.

HB 1464 by Representatives Davis, Cody, Simmons, J. Johnson, Ryu, Valdez, Lekanoff, Santos, Slatter, Ortiz-Self, Sutherland, Ormsby, Chopp, Hackney and Harris-Talley

AN ACT Relating to removing health care coverage barriers to accessing substance use disorder treatment services; and amending RCW 41.05.526, 48.43.761, and 71.24.618.

Referred to Committee on Health Care & Wellness.

HB 1465 by Representatives Orwall, Ramel, Ryu, Wylie, Frame, Ormsby, Valdez, Pollet, Thai, Chopp, Macri and Harris-Talley

AN ACT Relating to making the estate tax more progressive by exempting small estates, reducing estate taxes on medium estates, increasing the estate tax on larger estates, and addressing equity in homeownership and homelessness; amending RCW 83.100.040, 83.100.047, 83.100.048, 83.100.220, and 61.24.172; reenacting and amending RCW 83.100.020; adding a new section to chapter 83.100 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 1466 by Representatives Rule, Ryu, J. Johnson, Lekanoff, Sutherland, Berg, Peterson, Bergquist, Taylor, Dent, Ramel, Pollet, Davis, Eslick, Hackney, Bronoske and Riccelli

AN ACT Relating to promoting access to outdoor education; adding a new section to chapter 28A.630 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1467 by Representatives Stokesbary, Robertson, Dufault, Sutherland, Jacobsen and Chambers

AN ACT Relating to authorizing appropriations from the budget stabilization account to replace prior state expenditures from federal coronavirus relief funding; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1468 by Representatives Slatter, Ortiz-Self, Ryu, Leavitt, Simmons, Senn, J. Johnson, Berry, Valdez, Santos, Boehnke, Berg, Peterson, Goodman, Fey, Ormsby, Ramel, Pollet, Davis, Thai, Bronoske, Chopp, Hackney and Riccelli

AN ACT Relating to increasing student access to mental health counseling and services at community and technical colleges; adding a new section to chapter 28B.50 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1469 by Representatives Wicks, Vick, Robertson, Sutherland and Chambers

AN ACT Relating to enhanced raffle procedures; and amending RCW 9.46.0323.

Referred to Committee on Commerce & Gaming.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

January 29, 2021

HB 1059 Prime Sponsor, Representative Fitzgibbon: Concerning fireworks prohibitions adopted by cities or counties. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

January 29, 2021

HB 1088 Prime Sponsor, Representative Lovick: Concerning potential impeachment disclosures. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

January 28, 2021

HB 1090 Prime Sponsor, Representative Ortiz-Self: Concerning private, for-profit detention facilities. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1099 Prime Sponsor, Representative Duerr: Improving the state's climate response through updates to the state's comprehensive planning framework. Reported by Committee on

MAJORITY recommendation:

Referred to Committee on Appropriations.

January 28, 2021

HB 1109 Prime Sponsor, Representative Orwall: Concerning victims of sexual assault. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

Referred to Committee on Rules for second reading.

January 29, 2021

HB 1128 Prime Sponsor, Representative Ryu: Concerning housing benefit districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Finance.

February 17, 2021

HB 1167 Prime Sponsor, Representative Bateman: Concerning Thurston county superior court

judges. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Boehnke; Harris and Steele.

Referred to Committee on Appropriations.

February 17, 2021

HB 1168 Prime Sponsor, Representative Springer: Concerning long-term forest health and the reduction of wildfire dangers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture & Natural Resources. Signed by Representatives Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Ormsby, Chair; Dye; Frame and Schmick.

Referred to Committee on Appropriations.

February 17, 2021

HB 1169 Prime Sponsor, Representative Goodman: Concerning sentencing enhancements. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.;

Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Dye and Hoff.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Jacobsen; Schmick and Steele.

Referred to Committee on Appropriations.

January 29, 2021

HB 1184 Prime Sponsor, Representative Duerr: Concerning risk-based water quality standards for on-site nonpotable water systems. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

January 29, 2021

HB 1197 Prime Sponsor, Representative Riccelli: Concerning health care decisions made by a designated person. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Gilday, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Rules for second reading.

January 29, 2021

HB 1210 Prime Sponsor, Representative Morgan: Replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1259 Prime Sponsor, Representative Santos: Expanding public contracting opportunities for women and minority business enterprises by increasing the regulatory oversight and accountability of the office of minority and women's business enterprises. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Caldier; Chandler; Dye; Hoff; Jacobsen and Rude.

MINORITY recommendation: Do not pass. Signed by Representative Schmick.

Referred to Committee on Appropriations.

January 29, 2021

HB 1277 Prime Sponsor, Representative Ormsby: Providing for an additional revenue source for eviction prevention and housing stability services. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Leavitt and Thai.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Appropriations.

January 29, 2021

HB 1289 Prime Sponsor, Representative Chambers: Concerning winery workforce development. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Rules for second reading.

January 29, 2021

HB 1294 Prime Sponsor, Representative Goodman: Addressing misdemeanor supervision services by limited jurisdiction courts. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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:

- HOUSE BILL NO. 1037
- HOUSE BILL NO. 1055
- HOUSE BILL NO. 1064
- HOUSE BILL NO. 1071
- HOUSE BILL NO. 1074
- HOUSE BILL NO. 1087
- HOUSE BILL NO. 1120
- HOUSE BILL NO. 1124
- HOUSE BILL NO. 1159
- HOUSE BILL NO. 1165
- HOUSE BILL NO. 1171
- HOUSE BILL NO. 1237

There being no objection, the House adjourned until 9:55 a.m., February 3, 2021, the 24th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, February 3, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1470 by Representatives Dent, Klippert, Sutherland, Lovick and Eslick

AN ACT Relating to extending certain aerospace tax preferences to include unmanned aircraft systems; amending RCW 82.32.550; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1471 by Representatives Santos, Harris-Talley and Lekanoff

AN ACT Relating to community preservation and development authorities; and amending RCW 43.167.010.

Referred to Committee on Housing & Local Government.

HB 1472 by Representatives Slatter, Ortiz-Self, Sutherland, Goodman, Ormsby, Valdez, Eslick, Harris-Talley, Lekanoff, Pollet and Chopp

AN ACT Relating to membership of the student achievement council; and amending RCW 28B.77.005.

Referred to Committee on College & Workforce Development.

HB 1473 by Representatives Jacobsen, Kirby, Stokesbary, Sutherland, Robertson, Chambers, Eslick and Barkis

AN ACT Relating to providing a tax preference for data centers in counties with a certain population; adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HB 1474 by Representatives Chopp, Ortiz-Self, Ryu, Wylie, Santos, Fitzgibbon, Berry, Simmons, Sells, Lovick, Goodman, Ormsby, Valdez, Berg, Harris-Talley, Lekanoff, Stonier, Macri, Peterson, Bronoske and Pollet

AN ACT Relating to strengthening penalty and audit tools for employer violations in unemployment insurance; amending RCW 50.12.072, 50.12.220, and 50.24.190; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1475 by Representatives Valdez, Lekanoff and Pollet

AN ACT Relating to permitting certain foreign nationals to participate in campaign finance decision making and campaigns for and against ballot measures and initiatives; and amending RCW 42.17A.417, 42.17A.418, 42.17A.240, 42.17A.250, 42.17A.255, 42.17A.260, 42.17A.265, and 42.17A.305.

Referred to Committee on State Government & Tribal Relations.

HB 1476 by Representatives Dolan, Sullivan, Ortiz-Self, Callan, Santos, Ryu, Shewmake, J. Johnson, Valdez, Eslick, Rule, Lekanoff, Stonier, Ramel, Tharinger, Peterson and Pollet

AN ACT Relating to enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1477 by Representatives Orwall, Davis, Ortiz-Self, Callan, Simmons, J. Johnson, Goodman, Ryu, Ormsby, Valdez, Frame, Berg, Bergquist, Harris-Talley, Chopp, Macri, Peterson and Pollet

AN ACT Relating to the implementation of the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services statewide by imposing an excise tax on certain telecommunications services; amending RCW 71.24.045; reenacting and amending RCW 71.24.385, 71.24.025, and 71.24.025; adding new sections to chapter 71.24 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 38.52

RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1478 by Representatives Shewmake, Ortiz-Self, Fitzgibbon, Rule, Lekanoff and Pollet

AN ACT Relating to fish habitat enhancement projects authorized pursuant to RCW 77.55.181; and amending RCW 77.55.181.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1479 by Representatives Sullivan, Rule, Harris-Talley, Bronoske and Pollet

AN ACT Relating to providing a sales and use tax exemption for fire department apparatus that contain or incorporate emissions or fuel reduction technology; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 1480 by Representatives MacEwen, Kloba, Sutherland, Robertson, Ormsby, Chambers, Eslick and Tharinger

AN ACT Relating to extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic; amending RCW 66.24.175, 66.24.630, and 82.08.150; adding a new section to chapter 66.08 RCW; creating new sections; making an appropriation; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1481 by Representatives Chase, Dufault, Sutherland and Eslick

AN ACT Relating to authorizing certain school employees to carry firearms on school grounds; amending RCW 9.41.280; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

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.

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

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

The House was called to order by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Mari Leavitt, 28th Legislative District.

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

MOTIONS

On motion of Representative Riccelli, the Speaker was excused.

On motion of Representative Griffey, Representatives Steele and Stokesbary were excused.

SECOND READING

HOUSE BILL NO. 1037, by Representatives Kirby and Vick

Concerning insurance adjusters.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1037 was substituted for House Bill No. 1037 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1037 was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1037.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1037, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Steele and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1037, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1074, by Representatives Peterson, Rude, Leavitt, Wylie, Kloba, Ortiz-Self, Callan, Riccelli, Davis and Pollet

Concerning overdose and suicide fatality reviews.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1074 was substituted for House Bill No. 1074 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1074 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 Peterson and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1074.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1074, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Steele and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1074, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1087, by Representatives Berry, Wicks, Simmons, Kloba, Hackney, Santos, Macri and Sullivan

Clarifying the continuity of employee family and medical leave rights.

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 Berry and Hoff 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 House Bill No. 1087.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1087, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Steele and Mme. Speaker.

HOUSE BILL NO. 1087, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Frame congratulated Representative Berry on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1124, by Representative Cody

Concerning nurse delegation of glucose monitoring, glucose testing, and insulin injections.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1124 was substituted for House Bill No. 1124 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1124 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 Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1124.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1124, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Steele and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1124, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1165, by Representatives Ryu, Vick, Santos, Hoff and Harris-Talley

Concerning the Washington credit union act.

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 Ryu, Vick and Hoff spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Frame was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1165.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1165, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3.

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, 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, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie and Young.

Voting nay: Representatives Kraft and Ybarra.

Excused: Representatives Frame, Steele and Mme. Speaker.

HOUSE BILL NO. 1165, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1237, by Representatives Eslick, Senn, Leavitt, Callan, Ortiz-Self, Rude, Davis, Santos, Rule, Goodman and Riccelli

Defining family resource centers.

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 Eslick and Ortiz-Self 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 House Bill No. 1237.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1237, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

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

Voting nay: Representative Kraft.

Excused: Representatives Frame, Steele and Mme. Speaker.

HOUSE BILL NO. 1237, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1171, by Representatives Walen, Springer, Dolan and Lovick

Amending child support income withholding provisions to comply with federal child support program requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1171 was substituted for House Bill No. 1171 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1171 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 Walen and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1171.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1171, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Frame, Steele and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1171, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1159, by Representatives Berg, Bronoske, Griffey and Pollet

Concerning the number of fire protection district commissioners.

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1159.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1159, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Steele and Mme. Speaker.

HOUSE BILL NO. 1159, having received the necessary constitutional majority, was declared passed.

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) congratulated Representative Berg on the passage of her first

bill through the House and asked the Chamber to acknowledge her accomplishment.

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

MESSAGE FROM THE SENATE

February 2, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061,
and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

There being no objection, the House adjourned until 9:55 a.m., February 4, 2021, the 25th Legislative Day of the Regular Session.

Laurie Jenkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY FIFTH DAY

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

February 2, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061,
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

HB 1482 by Representatives Walsh, Orwall, Lekanoff, Leavitt, Sutherland, Jacobsen, Dufault and Pollet

AN ACT Relating to foreclosure protections for homeowners in common interest communities; and amending RCW 64.90.485.

Referred to Committee on Civil Rights & Judiciary.

HB 1483 by Representatives Chambers, Kloba, Fitzgibbon, Volz, Wicks, Jacobsen, Robertson, Boehnke and Eslick

AN ACT Relating to workforce development in the beverage alcohol industry; and amending RCW 66.44.318.

Referred to Committee on Commerce & Gaming.

HB 1484 by Representatives Dolan and Lekanoff

AN ACT Relating to the statewide first responder building mapping information system; reenacting and amending RCW 28A.320.125; creating a new section;

House Chamber, Olympia, Thursday, February 4, 2021

repealing RCW 36.28A.060 and 36.28A.070; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1485 by Representatives Caldier, Chambers, Graham, Lekanoff, Volz, Sutherland, Jacobsen, Eslick and Pollet

AN ACT Relating to recognizing Women's Suffrage Day as a legal holiday; and amending RCW 1.16.050.

Referred to Committee on State Government & Tribal Relations.

HB 1486 by Representatives Berry, Bronoske, Wicks, Fitzgibbon, Lovick, Shewmake, Lekanoff, Senn, Peterson, Sells, Ramel, Callan, Valdez, Ormsby, Chopp, Harris-Talley, Berg and Pollet

AN ACT Relating to qualifications for unemployment insurance when an individual voluntarily leaves work; amending RCW 50.20.010, 50.20.100, and 50.29.021; reenacting and amending RCW 50.20.050; adding a new section to chapter 50.04 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1487 by Representatives Bronoske, Berry, Wicks, Fitzgibbon, Lovick, Kirby, Santos, Shewmake, Lekanoff, Leavitt, Senn, Paul, Peterson, Sells, Ramel, Callan, Valdez, Tharinger, Ormsby, Chopp, Harris-Talley, Berg and Pollet

AN ACT Relating to unemployment insurance systems enhancements, including creating a reserve force of unemployment claim adjudicators, effective and equitable claims processing, and transparent performance metrics; adding new sections to chapter 50.12 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

February 1, 2021

HB 1104 Prime Sponsor, Representative Ryu: Extending the operation of the mortgage lending fraud prosecution account until June 30, 2027. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 3, 2021

HB 1143 Prime Sponsor, Representative Rude: Authorizing the placement of water rights banked pursuant to RCW 90.92.070 into the trust water rights program. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 1, 2021

HB 1166 Prime Sponsor, Representative Leavitt: Expanding access to the homeless and foster care college students pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; Dye; Hoff; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 3, 2021

HB 1172 Prime Sponsor, Representative Lekanoff: Recognizing judicially affirmed and treaty-reserved fishing rights and promoting state-tribal cooperative agreements in the management of salmon, trout, and steelhead resources. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 3, 2021

HB 1276 Prime Sponsor, Representative Bronoske: Providing for certain emergency medical services personnel to work in diversion centers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 3, 2021

HB 1311 Prime Sponsor, Representative Bronoske: Authorizing the issuance of substance use disorder professional certifications to persons participating in apprenticeship programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Maycumber; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick,

Ranking Minority Member; Caldier, Assistant Ranking
Minority Member; Harris; Rude and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's
committee reports under the fifth order of business were
referred to the committees so designated.

There being no objection, the House adjourned until
9:55 a.m., February 5, 2021, the 26th Legislative Day of the
Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY SIXTH DAY

House Chamber, Olympia, Friday, February 5, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1488 by Representatives Fey, Senn, Walen, Peterson, Lekanoff, Hackney, Slatter, Duerr and Pollet

AN ACT Relating to the management of plastic packaging materials; amending RCW 70A.200.140; reenacting and amending RCW 43.21B.110; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1489 by Representatives Boehnke, Corry, Graham, Walen, Chandler, Leavitt, MacEwen, Orwall, Hoff, Chambers, Abbarno, Klicker, Lovick, Shewmake, Dent, Steele, Dufault, Slatter, Jacobsen, Schmick, Eslick and Young

AN ACT Relating to promoting locally manufactured personal protective equipment; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1490 by Representatives Harris-Talley, Ramel, Macri, Simmons, Berry, Lekanoff, J. Johnson, Duerr, Ortiz-Self, Hackney, Slatter, Ryu, Taylor, Orwall, Chopp, Dolan, Riccelli, Bateman, Ormsby, Morgan and Frame

AN ACT Relating to maintaining residential electricity and heating service for low-income households and households with people with disabilities; amending RCW 35.21.300, 54.16.285, and 80.28.010; adding a new section to chapter 19.29A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1491 by Representatives Orcutt, Fitzgibbon and Lekanoff

AN ACT Relating to rights-of-way for the transport of timber, minerals, stone, sand, gravel, or other valuable materials; and amending RCW 79.36.350.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1492 by Representatives Sells, Macri, Lovick, Berry, Slatter, Thai, Pollet, Ormsby and Stonier

AN ACT Relating to extended benefits in the unemployment insurance system; amending RCW 50.22.010; reenacting and amending RCW 50.22.020; adding a new section to chapter 50.22 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1493 by Representatives Sells, Berry, Pollet and Ormsby

AN ACT Relating to job search monitoring; amending RCW 50.20.240; creating new sections; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1494 by Representatives Harris-Talley, Berg, Davis, Wicks, Peterson, Ortiz-Self, Orwall, Gregerson, Chapman, Ramel, Simmons, Berry, Lekanoff, Frame, Hackney, Slatter, Duerr, Kirby, Thai, Valdez, Ormsby and Morgan

AN ACT Relating to providing housing safety, security, and protection for Washington families by creating the antidisplacement property tax exemption; amending RCW 84.48.010, 84.48.110, and 84.69.020; adding new sections to chapter 84.36 RCW; adding a new section to chapter 84.52 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on Appropriations.

HB 1495 by Representatives Chapman, Robertson and Dent

AN ACT Relating to providing that qualified dealer cash incentives paid to auto dealers are bona fide

discounts for purposes of the business and occupation tax; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1496 by Representatives Senn, Walen, Davis, J. Johnson, Ramel, Bergquist, Macri, Gregerson, Simmons, Sells, Peterson, Bateman, Berry, Lekanoff, Frame, Fitzgibbon, Duerr, Hackney, Slatter, Kirby, Thai, Chopp, Valdez, Riccelli, Pollet, Ormsby, Harris-Talley and Stonier

AN ACT Relating to creating a more progressive tax system in Washington by enacting an excise tax on sales and extraordinary profits of high valued assets; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Finance.

HB 1497 by Representatives Mosbrucker, Chandler, Peterson, Dent, Schmick, Steele, Pollet, Eslick and Young

AN ACT Relating to commercial telephone solicitation; amending RCW 80.36.390, 19.158.040, and 19.158.110; and adding a new section to chapter 19.158 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1498 by Representatives Dye, Fitzgibbon, Shewmake and Pollet

AN ACT Relating to transforming the regulation of gas and electrical companies toward multiyear rate plans and performance-based rate making; amending RCW 80.28.005 and 80.28.068; adding new sections to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1499 by Representatives Davis, Harris-Talley, Ramel, Macri, Simmons, Peterson, Bateman, Fitzgibbon, Duerr, Ortiz-Self, Hackney, Slatter, Ryu, Berry, Sells, Thai, Chopp, Valdez, Pollet, Eslick, Ormsby, Morgan, Stonier and Frame

AN ACT Relating to promoting recovery and improving public safety by providing behavioral health system responses to individuals with substance use disorder in lieu of criminalizing possession of personal use amounts of controlled substances, counterfeit substances, and legend drugs; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.50.412, 69.41.030, 9.94A.640, 9.96.060, and 69.50.608; reenacting and amending RCW 69.50.101 and 10.31.110; adding new sections to chapter 41.05 RCW;

adding a new section to chapter 71.24 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 9.94A RCW; adding a new section to chapter 9.96 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1500 by Representatives Sullivan, Ortiz-Self and Pollet

AN ACT Relating to regular financial audits of school districts; amending RCW 43.09.2856; reenacting and amending RCW 43.09.2856; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1501 by Representatives McEntire, Walsh and Kraft

AN ACT Relating to the "pick it up, Washington" litter control program; amending RCW 70A.200.130 and 70A.200.030; adding a new section to chapter 70A.200 RCW; creating a new section; and decodifying RCW 70A.200.900.

Referred to Committee on Environment & Energy.

HB 1502 by Representatives Wylie, Griffey, Ramel, Paul, Lekanoff, Berry, Ortiz-Self, Hackney, Harris-Talley and Pollet

AN ACT Relating to the procurement and design of electric ferries by counties; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Transportation.

HJR 4204 by Representatives Harris-Talley, Berg, Wicks, Peterson, Ortiz-Self, Simmons, Gregerson, Chapman, Berry, Frame, Thai, Pollet, Ormsby, Davis and Ramel

Concerning a constitutional amendment providing for a residential real property exemption from property taxes levied for state purposes.

Referred to Committee on Appropriations.

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

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

The Speaker called upon Representative Lovick to preside.

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

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 Brad Klippert, 8th Legislative District.

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

MESSAGE FROM THE SENATE

February 3, 2021

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5005,
SUBSTITUTE SENATE BILL NO. 5011,
SENATE BILL NO. 5032,
SUBSTITUTE SENATE BILL NO. 5073,
SENATE BILL NO. 5077,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
SENATE BILL NO. 5184,
SENATE BILL NO. 5198,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5272,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

REPORTS OF STANDING COMMITTEES

February 19, 2021

HB 1030 Prime Sponsor, Representative Dent: Concerning a community aviation revitalization loan program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Capital Budget.

February 2, 2021

HB 1115

Prime Sponsor, Representative Fey: Implementing cost recovery of state agency credit card and transaction fees and related costs for driver and vehicle fee transactions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1160

Prime Sponsor, Representative Cody: Concerning health provider contracts. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Bergquist, Vice Chair; Harris and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 22, 2021

HB 1161

Prime Sponsor, Representative Peterson: Modifying the requirements for drug take-back programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice

Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

coordinating commission. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Appropriations.

February 17, 2021

HB 1170 Prime Sponsor, Representative Boehnke: Building economic strength through manufacturing. Reported by Committee on Appropriations

Referred to Committee on Rules for second reading.

February 3, 2021

MAJORITY recommendation: The substitute bill by Committee on Community & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

HB 1199 Prime Sponsor, Representative Corry: Providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

Referred to Committee on Rules for second reading.

February 3, 2021

February 17, 2021

HB 1196 Prime Sponsor, Representative Riccelli: Concerning audio-only telemedicine. Reported by Committee on Health Care & Wellness

HB 1216 Prime Sponsor, Representative Ramos: Concerning urban and community forestry. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Harris; Macri; Riccelli; Simmons; Stonier and Tharinger.

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture & Natural Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Caldier, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Maycumber; Rude and Ybarra.

Referred to Committee on Rules for second reading.

Referred to Committee on Appropriations.

February 2, 2021

February 2, 2021

HB 1198 Prime Sponsor, Representative Dent: Concerning the state commercial aviation

HB 1251 Prime Sponsor, Representative Orcutt:
Concerning the authorization of wheeled
all-terrain vehicles on state highways.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1309 Prime Sponsor, Representative Eslick:
Concerning the dates of certification of
levies. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1325 Prime Sponsor, Representative Callan:
Implementing policies related to children
and youth behavioral health. Reported by
Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Harris and Jacobsen.

Referred to Committee on Appropriations.

February 4, 2021

HB 1351 Prime Sponsor, Representative Kirby:
Concerning reasonable exceptions to
insurance rates for consumers whose credit
information is influenced by extraordinary
life circumstances. Reported by
Committee on Consumer Protection &
Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1055, by Representatives Berg, Abbarno, Shewmake, Walen, Orcutt, Ramos, Tharinger and Callan

Extending the expiration date for reporting requirements on timber purchases.

The bill was read the second time.

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

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

MOTIONS

On motion of Representative Wicks, Representative Ryu was excused.

On motion of Representative Graham, Representative Griffey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1055.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1055, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Griffey and Ryu.

HOUSE BILL NO. 1055, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1064, by Representatives Eslick, Kloba, Leavitt, Wylie, Gregerson, Ryu, Young, Robertson, Kirby and Fey

Requiring the disclosure of high-speed internet access availability in the seller's disclosure statement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1064 was substituted for House Bill No. 1064 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1064 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 Eslick and Kirby 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 House Bill No. 1064.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1064, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Griffey and Ryu.

SUBSTITUTE HOUSE BILL NO. 1064, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1120, by Representatives Tharinger, Harris, Cody, Riccelli, Stonier and Macri

Concerning state of emergency operations impacting long-term services and supports.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1120 was substituted for House Bill No. 1120 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1120 was read the second time.

With the consent of the House, amendment (030) was withdrawn.

Representative Tharinger moved the adoption of striking amendment (033):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.832 and 2020 c 270 s 7 are each amended to read as follows:

(1) The Washington state patrol identification and criminal history section shall disclose conviction records as follows:

(a) An applicant's conviction record, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian;

(b) The conviction record of an applicant for certification, upon the request of the Washington professional educator standards board;

(c) Any conviction record to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse, upon the request of a law enforcement agency, the office of the attorney general, prosecuting

authority, or the department of social and health services; and

(d) A prospective client's or resident's conviction record, upon the request of a business or organization that qualifies for exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter or transitional housing for children, persons with developmental disabilities, or vulnerable adults.

(2) The secretary of the department of social and health services and the secretary of children, youth, and families must establish rules and set standards to require specific action when considering the information received pursuant to subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities provided that: For persons residing in a home that will be utilized to provide foster care for dependent youth, a criminal background check will be required for all persons aged sixteen and older and the department of social and health services may require a criminal background check for persons who are younger than sixteen in situations where it may be warranted to ensure the safety of youth in foster care;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities

licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment, including peer counseling, of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers as defined in RCW 74.39A.240 or providers paid by home care agencies provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(3) The secretary of the department of children, youth, and families shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(4) The secretary of the department of children, youth, and families shall adopt rules and investigate conviction records, pending charges, and other information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children; and

(e) When responding to a request from an individual for a certificate of parental improvement under chapter 74.13 RCW.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The office of financial management shall adopt rules to accomplish the purposes of this subsection as it applies to state employees. The department of social and health services shall adopt rules to accomplish the purpose of this subsection as it applies to long-term care workers subject to RCW 74.39A.056.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(7) The department of social and health services may not consider any final founded finding of physical abuse or negligent treatment or maltreatment of a child made pursuant to chapter 26.44 RCW that is accompanied by a certificate of parental improvement or dependency as a result of a finding of abuse or neglect pursuant to chapter 13.34 RCW that is accompanied by a certificate of parental improvement when evaluating an applicant

or employee's character, competency, and suitability pursuant to any background check authorized or required by this chapter, RCW 43.20A.710 or 74.39A.056, or any of the rules adopted thereunder.

Sec. 2. RCW 43.43.837 and 2019 c 470 s 12 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary of the department of social and health services and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030;

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A

RCW, administered by the department of social and health services.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056.

(3) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for applicant and service providers providing foster care as required in RCW 74.15.030.

(5) Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants, except for those long-term care workers exempted in subsection (2) of this section, who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families; and

(f) Services in, or to residents of, a secure facility under RCW 71.09.115.

(8) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(9) Department of children, youth, and families service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(10) The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(11) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered; or

(v) A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position.

(b) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services

or department of children, youth, and families program; or

(iv) Work or serve in a department of social and health services or department of children, youth, and families-covered position.

(c) "Secretary" means the secretary of the department of social and health services.

(d) "Secure facility" has the meaning provided in RCW 71.09.020.

(e) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered. (~~"Service provider" does not include those certified under chapter 70.96A RCW.~~)

Sec. 3. RCW 74.39A.056 and 2020 c 270 s 8 are each amended to read as follows:

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

(b)(i) Except as provided in (b)(ii) of this subsection, for long-term care workers hired on or after January 7, 2012, the background checks required under this section shall include checking against the federal bureau of investigation fingerprint identification

records system (~~(and against the national sex offenders registry or their successor programs)~~) or its successor program. The department shall require these long-term care workers to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. The department shall not pass on the cost of these criminal background checks to the workers or their employers.

(ii) (~~This subsection does not apply to long-term care workers employed by community residential service businesses until January 1, 2016.~~) A long-term care worker who is not disqualified by the state background check can work and have unsupervised access pending the results of the federal bureau of investigation fingerprint background check as allowed by rules adopted by the department.

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

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

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

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

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

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

(e) The department may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time.

(2) A provider may not be employed in the care of and have unsupervised access to vulnerable adults if:

(a) The provider is on the vulnerable adult abuse registry or on any other registry based upon a finding of abuse,

abandonment, neglect, or financial exploitation of a vulnerable adult;

(b) On or after October 1, 1998, the department of children, youth, and families, or its predecessor agency, has made a founded finding of abuse or neglect of a child against the provider. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the finding, the provider is not disqualified under this section;

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

(d) A court has issued an order that includes a finding of fact or conclusion of law that the provider has committed abuse, abandonment, neglect, or financial exploitation of a minor or vulnerable adult. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the finding of fact or conclusion of law, the provider is not disqualified under this section.

(3) The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have final substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, final substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information must also be shared with the department of health to advance the purposes of chapter 18.88B RCW.

(4) For the purposes of this section, "provider" means:

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

(b) An employee, licensee, or contractor of any of the following: A home care agency licensed under chapter 70.127 RCW; a nursing home under chapter 18.51 RCW; an assisted living facility under chapter 18.20 RCW; an enhanced

services facility under chapter 70.97 RCW; a certified resident services and supports agency licensed or certified under chapter 71A.12 RCW; an adult family home under chapter 70.128 RCW; or any long-term care facility certified to provide medicaid or medicare services; and

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

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

Sec. 4. RCW 18.51.091 and 2020 c 263 s 1 are each amended to read as follows:

(1) The department shall inspect each nursing home periodically in accordance with federal standards under 42 C.F.R. Part 488, Subpart E. The inspection shall be made without providing advance notice of it. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given to the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

(2) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in subsection (1) of this section, the

department shall adopt rules to reestablish inspection timelines based on the length of time since the last complete inspection, compliance history of each facility, immediate health or safety concerns, and centers for medicare and medicaid services requirements.

(a) Rules adopted under this subsection (2) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in subsection (1) of this section, whichever occurs later. Once the department determines a rule adopted under this subsection (2) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of inspection compliance with subsection (1) of this section and provide the legislature with a report.

Sec. 5. RCW 18.51.230 and 2020 c 263 s 2 are each amended to read as follows:

(1) The department shall, in addition to any inspections conducted pursuant to complaints filed pursuant to RCW 18.51.190, conduct a periodic general inspection of each nursing home in the state without providing advance notice of such inspection. Such inspections must conform to the federal standards for surveys under 42 C.F.R. Part 488, Subpart E.

(2) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in subsection (1) of this section, the department shall adopt rules to reestablish inspection timelines based on the length of time since the last complete inspection, compliance history of each facility, immediate health or safety concerns, and centers for medicare and medicaid services requirements.

(a) Rules adopted under this subsection (2) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in subsection (1) of this section, whichever occurs later. Once the

department determines a rule adopted under this subsection (2) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of inspection compliance with subsection (1) of this section and provide the legislature with a report.

Sec. 6. RCW 74.42.360 and 2020 c 263 s 3 are each amended to read as follows:

(1) The facility shall have staff on duty twenty-four hours daily sufficient in number and qualifications to carry out the provisions of RCW 74.42.010 through 74.42.570 and the policies, responsibilities, and programs of the facility.

(2) The department shall institute minimum staffing standards for nursing homes. Beginning July 1, 2016, facilities must provide a minimum of 3.4 hours per resident day of direct care. Direct care staff has the same meaning as defined in RCW 74.42.010. The minimum staffing standard includes the time when such staff are providing hands-on care related to activities of daily living and nursing-related tasks, as well as care planning. The legislature intends to increase the minimum staffing standard to 4.1 hours per resident day of direct care, but the effective date of a standard higher than 3.4 hours per resident day of direct care will be identified if and only if funding is provided explicitly for an increase of the minimum staffing standard for direct care.

(a) The department shall establish in rule a system of compliance of minimum direct care staffing standards by January 1, 2016. Oversight must be done at least quarterly using the centers for medicare and medicaid services' payroll-based journal and nursing home facility census and payroll data.

(b) The department shall establish in rule by January 1, 2016, a system of financial penalties for facilities out of compliance with minimum staffing standards. No monetary penalty may be issued during the implementation period of July 1, 2016, through September 30, 2016. If a facility is found noncompliant during the implementation period, the department shall provide a written notice identifying the staffing deficiency and

require the facility to provide a sufficiently detailed correction plan to meet the statutory minimum staffing levels. Monetary penalties begin October 1, 2016. Monetary penalties must be established based on a formula that calculates the cost of wages and benefits for the missing staff hours. If a facility meets the requirements in subsection (3) or (4) of this section, the penalty amount must be based solely on the wages and benefits of certified nurse aides. The first monetary penalty for noncompliance must be at a lower amount than subsequent findings of noncompliance. Monetary penalties established by the department may not exceed two hundred percent of the wage and benefit costs that would have otherwise been expended to achieve the required staffing minimum hours per resident day for the quarter. A facility found out of compliance must be assessed a monetary penalty at the lowest penalty level if the facility has met or exceeded the requirements in subsection (2) of this section for three or more consecutive years. Beginning July 1, 2016, pursuant to rules established by the department, funds that are received from financial penalties must be used for technical assistance, specialized training, or an increase to the quality enhancement established in RCW 74.46.561.

(c) The department shall establish in rule an exception allowing geriatric behavioral health workers as defined in RCW 74.42.010 to be recognized in the minimum staffing requirements as part of the direct care service delivery to individuals who have a behavioral health condition. Hours worked by geriatric behavioral health workers may be recognized as direct care hours for purposes of the minimum staffing requirements only up to a portion of the total hours equal to the proportion of resident days of clients with a behavioral health condition identified at that facility on the most recent semiannual minimum data set. In order to qualify for the exception:

(i) The worker must:

(A) Have a bachelor's or master's degree in social work, behavioral health, or other related areas; or

(B) Have at least three years experience providing care for individuals with chronic mental health issues, dementia, or intellectual and

developmental disabilities in a long-term care or behavioral health care setting; or

(C) Have successfully completed a facility-based behavioral health curriculum approved by the department under RCW 74.39A.078;

(ii) Any geriatric behavioral health worker holding less than a master's degree in social work must be directly supervised by an employee who has a master's degree in social work or a registered nurse.

(d) (i) The department shall establish a limited exception to the 3.4 hours per resident day staffing requirement for facilities demonstrating a good faith effort to hire and retain staff.

(ii) To determine initial facility eligibility for exception consideration, the department shall send surveys to facilities anticipated to be below, at, or slightly above the 3.4 hours per resident day requirement. These surveys must measure the hours per resident day in a manner as similar as possible to the centers for medicare and medicaid services' payroll-based journal and cover the staffing of a facility from October through December of 2015, January through March of 2016, and April through June of 2016. A facility must be below the 3.4 staffing standard on all three surveys to be eligible for exception consideration. If the staffing hours per resident day for a facility declines from any quarter to another during the survey period, the facility must provide sufficient information to the department to allow the department to determine if the staffing decrease was deliberate or a result of neglect, which is the lack of evidence demonstrating the facility's efforts to maintain or improve its staffing ratio. The burden of proof is on the facility and the determination of whether or not the decrease was deliberate or due to neglect is entirely at the discretion of the department. If the department determines a facility's decline was deliberate or due to neglect, that facility is not eligible for an exception consideration.

(iii) To determine eligibility for exception approval, the department shall review the plan of correction submitted by the facility. Before a facility's exception may be renewed, the department must determine that sufficient progress is being made towards reaching the 3.4

hours per resident day staffing requirement. When reviewing whether to grant or renew an exception, the department must consider factors including but not limited to: Financial incentives offered by the facilities such as recruitment bonuses and other incentives; the robustness of the recruitment process; county employment data; specific steps the facility has undertaken to improve retention; improvements in the staffing ratio compared to the baseline established in the surveys and whether this trend is continuing; and compliance with the process of submitting staffing data, adherence to the plan of correction, and any progress toward meeting this plan, as determined by the department.

(iv) Only facilities that have their direct care component rate increase capped according to RCW 74.46.561 are eligible for exception consideration. Facilities that will have their direct care component rate increase capped for one or two years are eligible for exception consideration through June 30, 2017. Facilities that will have their direct care component rate increase capped for three years are eligible for exception consideration through June 30, 2018.

(v) The department may not grant or renew a facility's exception if the facility meets the 3.4 hours per resident day staffing requirement and subsequently drops below the 3.4 hours per resident day staffing requirement.

(vi) The department may grant exceptions for a six-month period per exception. The department's authority to grant exceptions to the 3.4 hours per resident day staffing requirement expires June 30, 2018.

(3)(a) Large nonessential community providers must have a registered nurse on duty directly supervising resident care twenty-four hours per day, seven days per week.

(b)(i) The department shall establish a limited exception process for large nonessential community providers that can demonstrate a good faith effort to hire a registered nurse for the last eight hours of required coverage per day. In granting an exception, the department may consider the competitiveness of the wages and benefits offered as compared to nursing facilities in comparable geographic or metropolitan areas within

Washington state, the provider's recruitment and retention efforts, and the availability of registered nurses in the particular geographic area. A one-year exception may be granted and may be renewable; however, the department may limit the admission of new residents, based on medical conditions or complexities, when a registered nurse is not on-site and readily available. If a large nonessential community provider receives an exception, that information must be included in the department's nursing home locator.

(ii) By August 1, 2023, and every three years thereafter, the department, along with a stakeholder work group established by the department, shall conduct a review of the exceptions process to determine if it is still necessary. As part of this review, the department shall provide the legislature with a report that includes enforcement and citation data for large nonessential community providers that were granted an exception in the three previous fiscal years in comparison to those without an exception. The report must include a similar comparison of data, provided to the department by the long-term care ombuds, on long-term care ombuds referrals for large nonessential community providers that were granted an exception in the three previous fiscal years and those without an exception. This report, along with a recommendation as to whether the exceptions process should continue, is due to the legislature by December 1st of each year in which a review is conducted. Based on the recommendations outlined in this report, the legislature may take action to end the exceptions process.

(4) Essential community providers and small nonessential community providers must have a registered nurse on duty directly supervising resident care a minimum of sixteen hours per day, seven days per week, and a registered nurse or a licensed practical nurse on duty directly supervising resident care the remaining eight hours per day, seven days per week.

(5) For the purposes of this section, "behavioral health condition" means one or more of the behavioral symptoms specified in section E of the minimum data set.

(6) If a pandemic, natural disaster, or other declared state of emergency impedes or prevents facilities from compliance with subsections (2) through

(4) of this section, the department may adopt rules to grant exceptions to these requirements, waive penalties, and suspend oversight activities. Facilities must remain in compliance with subsection (1) of this section.

(a) Rules adopted under this subsection (6) are effective until 18 months after the termination of the pandemic, natural disaster, or other declared state of emergency or until determined no longer necessary by the department, whichever occurs first. Once the department determines a rule adopted under this subsection (6) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of direct care staffing adequacy in relation to meeting the requirements of subsections (2) and (4) of this section and provide the legislature with a report.

Sec. 7. RCW 74.39A.074 and 2017 c 216 s 1 are each amended to read as follows:

(1)(a) Except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a), all persons hired as long-term care workers must meet the minimum training requirements in this section within one hundred twenty calendar days after the date of being hired.

(b) Except as provided in RCW 74.39A.076, the minimum training requirement is seventy-five hours of entry-level training approved by the department. A long-term care worker must successfully complete five of these seventy-five hours before being eligible to provide care.

(c) Training required by (d) of this subsection applies toward the training required under RCW 18.20.270 or 70.128.230 or any statutory or regulatory training requirements for long-term care workers employed by community residential service businesses.

(d) The seventy-five hours of entry-level training required shall be as follows:

(i) Before a long-term care worker is eligible to provide care, he or she must complete:

(A) Two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment; and

(B) Three hours of safety training, including basic safety precautions, emergency procedures, and infection control; and

(ii) Seventy hours of long-term care basic training, including training related to:

(A) Core competencies; and

(B) Population specific competencies, including identification of individuals with potential hearing loss and how to seek assistance if hearing loss is suspected.

(2) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors on the competencies and training topics in this section.

(3) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(4) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (4) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in subsection (1)(a) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (4) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct

a review of training compliance with subsection (1)(a) of this section and provide the legislature with a report.

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

Sec. 8. RCW 74.39A.076 and 2019 c 363 s 19 are each amended to read as follows:

(1) Beginning January 7, 2012, except for long-term care workers exempt from certification under RCW 18.88B.041(1) (a):

(a) A biological, step, or adoptive parent who is the individual provider only for the person's developmentally disabled son or daughter must receive twelve hours of training relevant to the needs of adults with developmental disabilities within the first one hundred twenty days after becoming an individual provider.

(b) A spouse or registered domestic partner who is a long-term care worker only for a spouse or domestic partner, pursuant to the long-term services and supports trust program established in chapter 50B.04 RCW, must receive fifteen hours of basic training, and at least six hours of additional focused training based on the care-receiving spouse's or partner's needs, within the first one hundred twenty days after becoming a long-term care worker.

(c) A person working as an individual provider who (i) provides respite care services only for individuals with developmental disabilities receiving services under Title 71A RCW or only for individuals who receive services under this chapter, and (ii) works three hundred hours or less in any calendar year, must complete fourteen hours of training within the first one hundred twenty days after becoming an individual provider. Five of the fourteen hours must be completed before becoming eligible to provide care, including two hours of orientation training regarding the caregiving role and terms of employment and three hours of safety training. The training partnership identified in RCW 74.39A.360 must offer at least twelve of the fourteen hours online, and five of those online hours must be individually selected from elective courses.

(d) Individual providers identified in (d)(i) or (ii) of this subsection must complete thirty-five hours of training within the first one hundred twenty days after becoming an individual provider.

Five of the thirty-five hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

(i) An individual provider caring only for the individual provider's biological, step, or adoptive child or parent unless covered by (a) of this subsection; and

(ii) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(2) In computing the time periods in this section, the first day is the date of hire.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (4) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in subsection (1) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (4) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of

emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

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

Sec. 9. RCW 74.39A.341 and 2015 c 152 s 3 are each amended to read as follows:

(1) All long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. This requirement applies beginning July 1, 2012.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

(3) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child;

(b) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

(c) Before January 1, 2016, a long-term care worker employed by a community residential service business;

(d) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; or

(e) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(5) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(6) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care

workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (6) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (6) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

(7) The department of health shall adopt rules to implement subsection (1) of this section.

~~((7))~~ (8) The department shall adopt rules to implement subsection (2) of this section.

Sec. 10. RCW 18.88B.021 and 2013 c 259 s 1 are each amended to read as follows:

(1) Beginning January 7, 2012, except as provided in RCW 18.88B.041, any person hired as a long-term care worker must be certified as a home care aide as provided in this chapter within two hundred calendar days after the date of ~~((being hired. In computing the time periods in this subsection, the first day is the date of))~~ hire, as defined by the department. The department may adopt rules determining under which circumstances a long-term care worker may have more than one date of hire, restarting the person's 200-day period to obtain certification as a home care aide.

(2) (a) No person may practice or, by use of any title or description, represent himself or herself as a certified home care aide without being certified as provided in this chapter.

(b) This section does not prohibit a person: (i) From practicing a profession for which the person has been issued a

license or which is specifically authorized under this state's laws; or (ii) who is exempt from certification under RCW 18.88B.041 from providing services as a long-term care worker.

(c) In consultation with consumer and worker representatives, the department shall, by January 1, 2013, establish by rule a single scope of practice that encompasses both long-term care workers who are certified home care aides and long-term care workers who are exempted from certification under RCW 18.88B.041.

(3) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete certification as required by this section, the department may adopt rules to allow long-term care workers additional time to become certified.

(a) Rules adopted under this subsection (3) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that additional time for long-term care workers to become certified is no longer necessary, whichever is later. Once the department determines a rule adopted under this subsection (3) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of certification compliance with subsection (1) of this section and rules adopted under this subsection (3) and provide the legislature with a report.

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

Sec. 11. RCW 70.128.230 and 2019 c 466 s 5 are each amended to read as follows:

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

(a) "Caregiver" includes all adult family home resident managers and any person who provides residents with hands-on personal care on behalf of an adult family home, except volunteers who are directly supervised.

(b) "Indirect supervision" means oversight by a person who has demonstrated competency in the core areas

or has been fully exempted from the training requirements pursuant to this section and is quickly and easily available to the caregiver, but not necessarily on-site.

(2) Training must have three components: Orientation, basic training, and continuing education. All adult family home providers, resident managers, and employees, or volunteers who routinely interact with residents shall complete orientation. Caregivers shall complete orientation, basic training, and continuing education.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate adult family home staff to all adult family home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care. Until competency in the core areas has been demonstrated, caregivers shall not provide hands-on personal care to residents without direct supervision.

(5) For adult family homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of providers and resident managers.

(a) Specialty training consists of modules on the core knowledge and skills that providers and resident managers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test.

(b) Specialty training must be completed by providers and resident

managers before admitting and serving residents who have been determined to have special needs related to mental illness, dementia, or a developmental disability. Should a resident develop special needs while living in a home without specialty designation, the provider and resident manager have one hundred twenty days to complete specialty training.

(6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required in the same calendar year in which basic or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter. If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

(7) Persons who successfully complete the competency challenge test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully complete the specialty training competency challenge test are fully exempt from the specialty training requirements of this section.

(8) (a) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW are exempt from any continuing education requirement established under this section.

(b) The department may adopt rules that would exempt licensed persons from all or part of the training requirements under this chapter, if they are (i) performing the tasks for which they are licensed and (ii) subject to chapter 18.130 RCW.

(9) In an effort to improve access to training and education and reduce costs, especially for rural communities, the adult family home training network must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges, private associations, or other entities, as defined by the department.

(10) The adult family home training network shall assist adult family homes that desire to deliver facility-based

training with facility designated trainers, or adult family homes that desire to pool their resources to create shared training systems. The department shall develop criteria for reviewing and approving trainers and training materials. The department may approve a curriculum based upon attestation by an adult family home administrator that the adult family home's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled inspection authorized under RCW 70.128.070. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.

(11) The department shall adopt rules by September 1, 2002, for the implementation of this section.

(12) (a) Except as provided in (b) of this subsection, the orientation, basic training, specialty training, and continuing education requirements of this section commence September 1, 2002, and shall be applied to (i) employees hired subsequent to September 1, 2002; or (ii) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 and this section. Existing employees who have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 shall be subject to all applicable requirements of this section.

(b) Beginning January 7, 2012, long-term care workers, as defined in RCW 74.39A.009, employed by an adult family home are also subject to the training requirements under RCW 74.39A.074.

(13) If a pandemic, natural disaster, or other declared state of emergency makes specialty training unavailable, the department may adopt rules to allow an adult family home where the provider and resident manager have not completed specialty training to admit a resident or residents with special needs related to mental illness, dementia, or a developmental disability, or to care for a resident or residents already living in the home who develop special needs. Such rules must include information about how to complete the specialty training once the training is available.

(a) Rules adopted under this subsection (13) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that providers and resident managers who were unable to complete the specialty training required in subsection (5)(b) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (13) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (5)(b) of this section and provide the legislature with a report.

Sec. 12. RCW 18.20.270 and 2013 c 259 s 4 are each amended to read as follows:

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

(a) "Caregiver" includes any person who provides residents with hands-on personal care on behalf of an assisted living facility, except volunteers who are directly supervised.

(b) "Direct supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section, is on the premises, and is quickly and easily available to the caregiver.

(2) Training must have the following components: Orientation, basic training, specialty training as appropriate, and continuing education. All assisted living facility employees or volunteers who routinely interact with residents shall complete orientation. Assisted living facility administrators, or their designees, and caregivers shall complete orientation, basic training, specialty training as appropriate, and continuing education.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate assisted living facility staff to all assisted living

facility employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care. Until competency in the core areas has been demonstrated, caregivers shall not provide hands-on personal care to residents without direct supervision. Assisted living facility administrators, or their designees, must complete basic training and demonstrate competency within one hundred twenty days of employment.

(5) For assisted living facilities that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of administrators, or designees, and caregivers.

(a) Specialty training consists of modules on the core knowledge and skills that caregivers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test.

(b) Specialty training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care to a resident having special needs. However, if specialty training is not integrated with basic training, the specialty training must be completed within ninety days of completion of basic training. Until competency in the core specialty areas has been demonstrated, caregivers shall not provide hands-on personal care to residents with special needs without direct supervision.

(c) Assisted living facility administrators, or their designees, must complete specialty training and demonstrate competency within one

hundred twenty days from the date on which the administrator or his or her designee is hired, if the assisted living facility serves one or more residents with special needs.

(6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required in the same calendar year in which basic or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter. If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

(7) Persons who successfully challenge the competency test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully challenge the specialty training competency test are fully exempt from the specialty training requirements of this section.

(8) (a) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW are exempt from any continuing education requirement established under this section.

(b) The department may adopt rules that would exempt licensed persons from all or part of the training requirements under this chapter, if they are (i) performing the tasks for which they are licensed and (ii) subject to chapter 18.130 RCW.

(9) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(10) The department shall develop criteria for the approval of orientation, basic training, and specialty training programs.

(11) Assisted living facilities that desire to deliver facility-based training with facility designated

trainers, or assisted living facilities that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts. The department shall develop criteria for reviewing and approving trainers and training materials that are substantially similar to or better than the materials developed by the department. The department may approve a curriculum based upon attestation by an assisted living facility administrator that the assisted living facility's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled yearly inspection and investigation required under RCW 18.20.110. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.

(12) The department shall adopt rules for the implementation of this section.

(13) (a) Except as provided in (b) of this subsection, the orientation, basic training, specialty training, and continuing education requirements of this section commence September 1, 2002, or one hundred twenty days from the date of employment, whichever is later, and shall be applied to (i) employees hired subsequent to September 1, 2002; and (ii) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 and this section. Existing employees who have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 shall be subject to all applicable requirements of this section.

(b) Beginning January 7, 2012, long-term care workers, as defined in RCW 74.39A.009, employed by facilities licensed under this chapter are also subject to the training requirements under RCW 74.39A.074.

(14) If a pandemic, natural disaster, or other declared state of emergency makes specialty training unavailable, the department may adopt rules to allow an assisted living facility where the administrator, designee, and caregiving staff have not completed specialty training to admit a resident or residents with special needs related to mental illness, dementia, or a developmental

disability. Such rules must include information about how to complete the specialty training once the training is available.

(a) Rules adopted under this subsection (14) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that providers and resident managers who were unable to complete the specialty training required in subsection (5)(b) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (14) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (5)(b) of this section and provide the legislature with a report.

Sec. 13. RCW 70.128.070 and 2011 1st sp.s. c 3 s 204 are each amended to read as follows:

(1) A license shall remain valid unless voluntarily surrendered, suspended, or revoked in accordance with this chapter.

(2)(a) Homes applying for a license shall be inspected at the time of licensure.

(b) Homes licensed by the department shall be inspected at least every eighteen months, with an annual average of fifteen months. However, an adult family home may be allowed to continue without inspection for two years if the adult family home had no inspection citations for the past three consecutive inspections and has received no written notice of violations resulting from complaint investigations during that same time period.

(c) The department may make an unannounced inspection of a licensed home at any time to assure that the home and provider are in compliance with this chapter and the rules adopted under this chapter.

(d) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in

this subsection, the department shall adopt rules to reestablish inspection timelines based on the length of time since last inspection, compliance history of each facility, and immediate health or safety concerns.

(i) Rules adopted under this subsection (2)(d) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in (b) of this subsection, whichever is later. Once the department determines a rule adopted under this subsection (2)(d) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(ii) Within 12 months of the termination of the pandemic, natural disaster, or declared state of emergency, the department shall conduct a review of inspection compliance with (b) of this subsection and provide the legislature with a report.

(3) If the department finds that the home is not in compliance with this chapter, it shall require the home to correct any violations as provided in this chapter.

Sec. 14. RCW 70.97.160 and 2020 c 278 s 9 are each amended to read as follows:

(1) The department shall make or cause to be made at least one inspection of each facility prior to licensure and an unannounced full inspection of facilities at least once every eighteen months. The statewide average interval between full facility inspections must be fifteen months.

(2) Any duly authorized officer, employee, or agent of the department may enter and inspect any facility at any time to determine that the facility is in compliance with this chapter and applicable rules, and to enforce any provision of this chapter. Complaint inspections shall be unannounced and conducted in such a manner as to ensure maximum effectiveness. No advance notice shall be given of any inspection unless authorized or required by federal law.

(3) During inspections, the facility must give the department access to areas, materials, and equipment used to provide care or support to residents, including resident and staff records, accounts, and the physical premises, including the

buildings, grounds, and equipment. The department has the authority to privately interview the provider, staff, residents, and other individuals familiar with resident care and service plans.

(4) Any public employee giving advance notice of an inspection in violation of this section shall be suspended from all duties without pay for a period of not less than five nor more than fifteen days.

(5) The department shall prepare a written report describing the violations found during an inspection, and shall provide a copy of the inspection report to the facility.

(6) The facility shall develop a written plan of correction for any violations identified by the department and provide a plan of correction to the department within ten working days from the receipt of the inspection report.

(7) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in this section, the department shall adopt rules to reestablish inspection timelines based on the length of time since last inspection, compliance history of each facility, and immediate health or safety concerns.

(a) Rules adopted under this subsection (7) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in subsection (1) of this section, whichever is later. Once the department determines a rule adopted under this subsection (7) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of inspection compliance with subsection (1) of this section and provide the legislature with a report.

Sec. 15. RCW 18.20.110 and 2012 c 10 s 6 are each amended to read as follows:

(1) The department shall make or cause to be made, at least every eighteen months with an annual average of fifteen

months, an inspection and investigation of all assisted living facilities. However, the department may delay an inspection to twenty-four months if the assisted living facility has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigation during that same time period. The department may at anytime make an unannounced inspection of a licensed facility to assure that the licensee is in compliance with this chapter and the rules adopted under this chapter. Every inspection shall focus primarily on actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary, and the stores and methods of supply; however, the department shall not have access to financial records or to other records or reports described in RCW 18.20.390. Financial records of the assisted living facility may be examined when the department has reasonable cause to believe that a financial obligation related to resident care or services will not be met, such as a complaint that staff wages or utility costs have not been paid, or when necessary for the department to investigate alleged financial exploitation of a resident. Following such an inspection or inspections, written notice of any violation of this law or the rules adopted hereunder shall be given to the applicant or licensee and the department. The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized.

(2) If a pandemic, natural disaster, or other declared state of emergency prevents the department from completing inspections according to the timeline in subsection (1) of this section, the department shall adopt rules to reestablish inspection timelines based on the length of time since last inspection, compliance history of each

facility, and immediate health or safety concerns.

(a) Rules adopted under this subsection (2) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all facility inspections are occurring according to time frames established in subsection (1) of this section, whichever is later. Once the department determines a rule adopted under this subsection (2) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of inspection compliance with subsection (1) of this section and provide the legislature with a report.

Sec. 16. RCW 18.88A.030 and 2010 c 169 s 4 are each amended to read as follows:

(1)(a) A nursing assistant may assist in the care of individuals as delegated by and under the direction and supervision of a licensed (registered) nurse or licensed practical nurse.

(b) A health care facility shall not assign a nursing assistant-registered to provide care until the nursing assistant-registered has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

(c) Nothing in this chapter shall be construed to confer on a nursing assistant the authority to administer medication unless delegated as a specific nursing task pursuant to this chapter or to practice as a licensed (registered) nurse or licensed practical nurse as defined in chapter 18.79 RCW.

(2)(a) A nursing assistant employed in a nursing home must have successfully obtained certification through: (i) An approved training program and the competency evaluation within ~~((four months after the date of employment))~~ a period of time determined in rule by the commission; or (ii) alternative training and the competency evaluation prior to employment.

(b) Certification is voluntary for nursing assistants working in health care facilities other than nursing homes

unless otherwise required by state or federal law or regulation.

(3) The commission may adopt rules to implement the provisions of this chapter.

Sec. 17. RCW 18.88A.087 and 2010 c 169 s 3 are each amended to read as follows:

(1) The commission shall adopt criteria for evaluating an applicant's alternative training to determine the applicant's eligibility to take the competency evaluation for nursing assistant certification. At least one option adopted by the commission must allow an applicant to take the competency evaluation if he or she:

(a)(i) Is a certified home care aide pursuant to chapter 18.88B RCW; or

(ii) Is a certified medical assistant pursuant to a certification program accredited by a national medical assistant accreditation organization and approved by the commission; and

(b) Has successfully completed at least twenty-four hours of training that the commission determines is necessary to provide training equivalent to approved training on topics not addressed in the training specified for certification as a home care aide or medical assistant, as applicable. In the commission's discretion, a portion of these hours may include clinical training.

(2)(a) ~~((By July 1, 2011, the))~~ The commission, in consultation with the secretary, the department of social and health services, and consumer, employer, and worker representatives, shall adopt rules to implement this section and to provide ~~((beginning January 1, 2012,))~~ for a program of credentialing reciprocity to the extent required by this section between home care aide and medical assistant certification and nursing assistant certification. ~~((By July 1, 2011, the))~~ The secretary shall also adopt such rules as may be necessary to implement this section and the credentialing reciprocity program.

(b) Rules adopted under this section must be consistent with requirements under 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act relating to state-approved competency evaluation programs for certified nurse aides.

(3) ~~((Beginning December 1, 2012, the))~~ The secretary, in consultation with

the commission, shall report annually by December 1st to the governor and the appropriate committees of the legislature on the progress made in achieving career advancement for certified home care aides and medical assistants into nursing practice.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 19. This act is remedial and curative in nature and all of its sections apply retroactively to February 29, 2020, to include the period of the state of emergency created by the COVID-19 outbreak. In any instance where this act grants rule-making authority to the department of social and health services or the department of health, the agencies may adopt the rules as emergency rules and may make the rules retroactively effective."

Correct the title.

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

Striking amendment (033) was adopted.

The bill was ordered engrossed.

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

Representatives Tharinger and Cody spoke in favor of the passage of the bill.

Representatives Schmick and Young 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 House Bill No. 1120.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1120, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, 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, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

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

Excused: Representatives Griffey and Ryu.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 8, 2021, the 29th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY NINTH DAY

House Chamber, Olympia, Monday, February 8, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1503 by Representatives Wylie, Duerr, Stonier and Pollet

AN ACT Relating to establishing an alternative fuel vehicle retail sales and use tax exemption for lower-income individuals; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 1504 by Representatives Chopp, Simmons, Berry, Davis, Valdez, Wylie, J. Johnson, Ryu, Tharinger, Taylor, Goodman, Bergquist, Ramel, Peterson, Senn, Dolan, Ormsby, Duerr, Macri, Kloba, Callan, Morgan, Stonier, Pollet, Riccelli and Thai

AN ACT Relating to modifying the workforce education investment act to invest in new and existing behavioral health workforce programs; amending RCW 28B.145.030, 43.79.195, and 82.04.299; adding a new section to chapter 28B.115 RCW; adding a new section to chapter 71.24 RCW; creating a new section; and making appropriations.

Referred to Committee on Appropriations.

HB 1505 by Representatives Walsh, Sutherland, Dufault, Robertson, Harris, Jacobsen, Eslick and Chase

AN ACT Relating to clarifying that providing ambulance services in chapter 36.57 RCW includes the ability for the transportation authority to pay for training for the people that will provide the ambulance services; and adding a new section to chapter 36.57 RCW.

Referred to Committee on Transportation.

HB 1506 by Representatives Chase, Sutherland, Young, Walsh and Eslick

AN ACT Relating to ballot integrity; amending RCW 29A.60.185; creating new sections; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1507 by Representatives Entenman, Walen, Berry, Fitzgibbon, Valdez, Dolan, Bateman, Ryu, J. Johnson, Tharinger, Ramel, Peterson, Ormsby, Duerr, Macri, Callan, Ramos, Harris-Talley, Morgan, Pollet, Santos and Thai

AN ACT Relating to establishing a mechanism for independent prosecutions of criminal conduct arising from police use of force; amending RCW 43.10.232, 43.10.234, 36.27.030, and 36.27.040; adding a new section to chapter 43.10 RCW; adding a new section to chapter 36.27 RCW; and creating a new section.

Referred to Committee on Public Safety.

HB 1508 by Representatives Chapman and Pollet

AN ACT Relating to the sanitary control of shellfish; adding a new section to chapter 69.30 RCW; and declaring an emergency.

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

HB 1509 by Representatives Klicker, Schmick, Dent, McCaslin, Sutherland, Chambers, Graham, Dufault, Barkis and Chase

AN ACT Relating to certain wheeled all-terrain vehicles; amending RCW 46.09.455; and reenacting and amending RCW 46.09.310.

Referred to Committee on Transportation.

HB 1510 by Representatives Hackney, Fey, Sutherland, Eslick and Riccelli

AN ACT Relating to establishing an exemption from certain highway use requirements by nonemergency medical transportation vehicles; amending RCW 46.61.165 and 47.52.025; and adding a new section to chapter 46.16A RCW.

Referred to Committee on Transportation.

HJR 4205 by Representatives Lekanoff, Simmons, Ryu, Pollet, Goodman, Ramel, Peterson, Sells, Senn, Dolan, Ormsby, Callan, Harris-Talley and Riccelli

Adding a new section to the Washington state Constitution regarding the conservation and protection of the state's natural resources.

Referred to Committee on Environment & Energy.

SB 5005 by Senators Pedersen, Padden and Mullet

AN ACT Relating to business corporations; amending RCW 23B.01.400, 23B.01.410, 23B.01.420, and 23B.08.210; and reenacting and amending RCW 23B.07.040.

Referred to Committee on Civil Rights & Judiciary.

SSB 5011 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wilson, L., Brown, Kuderer, Mullet and Warnick)

AN ACT Relating to notice, meeting, and voting provisions for common interest communities, condominiums, and homeowners' associations; amending RCW 64.32.010, 64.34.332, 64.34.340, 64.34.352, 64.38.035, and 64.90.445; reenacting and amending RCW 64.34.020 and 64.38.010; adding new sections to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; and adding new sections to chapter 64.38 RCW.

Referred to Committee on Civil Rights & Judiciary.

SB 5032 by Senators Hasegawa, Warnick, Kuderer, Wilson and C.

AN ACT Relating to the reauthorization and improvements to alternative public works contracting procedures; amending RCW 39.10.210, 39.10.220, 39.10.230, 39.10.240, 39.10.250, 39.10.300, 39.10.330, 39.10.350, 39.10.360, 39.10.370, 39.10.380, 39.10.385, 39.10.390, 39.10.400, 39.10.430, 39.10.440, 39.10.460, 39.10.490, 43.131.407, and 43.131.408; adding a new section to chapter 39.10 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Capital Budget.

SSB 5073 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Dhingra, Das, Kuderer, Salomon, Warnick, Wilson and C.)

AN ACT Relating to improving involuntary commitment laws; amending RCW 71.05.210, 71.05.210, 71.05.240, 71.05.240, 71.05.320, 71.05.320, 71.05.340, 71.05.585, 71.05.590, 71.05.590, 71.34.755, 70.02.230, 70.02.240, 71.05.425, 71.34.710, 71.34.710,

71.34.720, and 71.34.720; amending 2020 c 302 ss 110 and 111 (uncodified); reenacting and amending RCW 71.05.150, 71.05.150, 71.05.153, 71.05.153, 71.05.020, 71.05.020, 71.05.020, 71.05.020, 71.34.020, 71.34.020, 71.34.020, and 71.34.020; providing effective dates; providing contingent effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

SB 5077 by Senators Dozier, Mullet, Brown, Das, Warnick, Wilson and C.

AN ACT Relating to providing authority to licensed companies to allow licensed mortgage loan originators to work from their residences without the company licensing the residence as a branch office of the company; and amending RCW 31.04.027, 31.04.075, 19.146.0201, and 19.146.265.

Referred to Committee on Consumer Protection & Business.

ESSB 5121 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Dhingra, Hasegawa, Mullet, Nguyen, Wilson and C.)

AN ACT Relating to expanding eligibility for the graduated reentry program; amending RCW 9.94A.733 and 9.94A.728; and creating a new section.

Referred to Committee on Public Safety.

SB 5184 by Senators Nobles, Wellman, Billig, Carlyle, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nguyen, Randall, Saldaña, Salomon, Wilson and C.

AN ACT Relating to establishing a building point of contact in all K-12 public schools for students in foster care; amending RCW 28A.320.148; and creating a new section.

Referred to Committee on Education.

SB 5198 by Senators Schoesler, Dozier, Honeyford, King, Short and Warnick

AN ACT Relating to personnel restrictions on ambulances in rural areas; and amending RCW 18.73.150.

Referred to Committee on Health Care & Wellness.

ESSB 5272 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Frockt, Conway, Das, Dhingra, Keiser, Lovelett, Mullet, Nguyen, Nobles, Randall, Saldaña, Stanford, Wilson, C., Wilson and J.)

AN ACT Relating to temporarily waiving certain liquor and cannabis board annual licensing fees; amending RCW 66.24.140, 66.24.146, 66.24.170, 66.24.240, 66.24.244, 66.24.320, 66.24.330, 66.24.350, 66.24.420, 66.24.495, 66.24.540, 66.24.570, 66.24.580, 66.24.590, 66.24.600, 66.24.650, 66.24.655, 66.24.680, and 66.24.690; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bills and resolution 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 fifth order of business.

REPORTS OF STANDING COMMITTEES

February 17, 2021

HB 1117 Prime Sponsor, Representative Lekanoff: Promoting salmon recovery through revisions to the state's comprehensive planning framework. Reported by Committee on

MAJORITY recommendation:

Referred to Committee on Appropriations.

February 5, 2021

HB 1145 Prime Sponsor, Representative Rude: Allowing the use of nonwood renewable fiber in recycled content paper carryout bags. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1213 Prime Sponsor, Representative Senn: Expanding accessible, affordable child care and early childhood development programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair;

Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Calder; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Jacobsen and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Rude.

Referred to Committee on Appropriations.

February 4, 2021

HB 1273 Prime Sponsor, Representative Berg: Concerning menstrual products in schools. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Calder; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1279 Prime Sponsor, Representative Rule: Modifying the Washington main street program tax incentive to respond to the economic impacts of the COVID-19 pandemic. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1296 Prime Sponsor, Representative Young:
Providing a business and occupation tax preference for behavioral health administrative services organizations.
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1297 Prime Sponsor, Representative Thai:
Concerning working families tax exemption. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase and Vick.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Appropriations.

February 4, 2021

HB 1328 Prime Sponsor, Representative Pollet:
Exempting information gathered for controlling diseases from public inspecting requirements. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 3, 2021

HB 1336 Prime Sponsor, Representative Hansen:
Creating and expanding unrestricted authority for public entities to provide

telecommunications services to end users.
Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Frame; Johnson, J.; Lovick; Rule and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry; Jacobsen and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1372 Prime Sponsor, Representative Lekanoff:
Replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Boehnke and Rude.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Appropriations.

February 16, 2021

HB 1477 Prime Sponsor, Representative Orwall:
Implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Chase; Springer; Stokesbary and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Vick.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 9, 2021, the 30th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTIETH DAY

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1511 by Representatives Bergquist, Taylor, Santos, Thai, Ormsby, Slatter, Hackney and Lekanoff

AN ACT Relating to defining affordable housing for purposes of using surplus public property for public benefit; and amending RCW 39.33.015.

Referred to Committee on Housing, Human Services & Veterans.

HB 1512 by Representative Ryu

AN ACT Relating to lodging-related assessments under chapter 35.87A RCW; amending RCW 35.87A.010, 35.87A.020, and 82.08.010; and declaring an emergency.

Referred to Committee on Finance.

HB 1513 by Representatives Lekanoff, Shewmake, Wicks, Valdez, Thai, Ramel, Peterson, Dolan, Goodman, Taylor, Kloba, Slatter, Frame, Hackney, Wylie, Pollet and Harris-Talley

AN ACT Relating to improving environmental health by reducing carbon emissions through increasing climate resilience and mitigating the effects of climate change by levying a carbon pollution tax, authorizing a climate finance bond program, and investing in clean economic growth; adding a new chapter to Title 82 RCW; adding a new chapter to Title 70A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1514 by Representatives Taylor, Ramos and Harris-Talley

AN ACT Relating to transportation demand management; amending RCW 46.18.285, 46.74.010, 46.74.030, 82.04.355, 82.08.0287, 82.12.0282,

House Chamber, Olympia, Tuesday, February 9, 2021

82.16.047, 82.44.015, and 82.70.010; and reenacting and amending RCW 70A.15.4010.

Referred to Committee on Transportation.

HB 1515 by Representatives Peterson, Springer, Simmons, Santos, Taylor, Shewmake, Dufault, Barkis, Thai, Ormsby and Lekanoff

AN ACT Relating to security deposit waiver fees; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Housing, Human Services & Veterans.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

February 4, 2021

HB 1001 Prime Sponsor, Representative Maycumber: Establishing a law enforcement professional development outreach grant program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 5, 2021

HB 1011 Prime Sponsor, Representative MacEwen: Concerning renewal dates for liquor licenses. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Appropriations.

February 4, 2021

HB 1016 Prime Sponsor, Representative Morgan: Making Juneteenth a legal holiday. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1089 Prime Sponsor, Representative Ramos: Concerning compliance audits of requirements relating to peace officers and law enforcement agencies. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1092 Prime Sponsor, Representative Lovick: Concerning law enforcement data collection. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Dye and Schmick.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1097 Prime Sponsor, Representative Sells: Increasing worker protections. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 4, 2021

HB 1119 Prime Sponsor, Representative Jacobsen: Notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1140 Prime Sponsor, Representative Johnson, J.: Concerning juvenile access to attorneys when contacted by law enforcement. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Civil Rights & Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Harris; Jacobsen; Rude and Steele.

MINORITY recommendation: Do not pass. Signed by Representatives Boehnke; Chandler; Dye; Hoff and Schmick.

Referred to Committee on Appropriations.

February 4, 2021

HB 1162 Prime Sponsor, Representative Stonier: Concerning high school graduation credit and pathway options. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra,

Ranking Minority Member; McCaslin; McEntire and Rude.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1176 Prime Sponsor, Representative Paul: Concerning access to higher education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representative Ybarra, Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; McCaslin; McEntire; Rude and Steele.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1202 Prime Sponsor, Representative Thai: Addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive and declaratory relief. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 18, 2021

HB 1203 Prime Sponsor, Representative Johnson, J.: Concerning community oversight boards. Reported by Committee on Appropriations

February 5, 2021

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris; Rude and Tharinger.

Referred to Committee on Appropriations.

February 3, 2021

HB 1206 Prime Sponsor, Representative Berry: Protecting temporary workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff; Ranking Minority Member; Bronoske and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 5, 2021

HB 1209 Prime Sponsor, Representative Bronoske: Concerning immunity protection for nonmedical assistance. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

HB 1236

Prime Sponsor, Representative Macri: Protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Leavitt and Thai.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Rules for second reading.

February 5, 2021

HB 1261

Prime Sponsor, Representative Klippert: Concerning wildlife harvest reports required by the department of fish and wildlife. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Lekanoff; McEntire; Orcutt; Schmick and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Morgan and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representative Shewmake, Vice Chair.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1263

Prime Sponsor, Representative Abbarno: Concerning rural infrastructure. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba;

MacEwen; Maycumber; Mosbrucker; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Kraft; Leavitt and Peterson.

Referred to Committee on Capital Budget.

February 4, 2021

HB 1267 Prime Sponsor, Representative Entenman: Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham; Griffey and Young.

Referred to Committee on Appropriations.

February 5, 2021

HB 1271 Prime Sponsor, Representative Orwall: Ensuring continuity of operations in the offices of county elected officials during the current COVID-19 pandemic and future public health crises. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1280 Prime Sponsor, Representative Ramel: Concerning greenhouse gas emissions reductions in the design of public facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Bateman; Kloba; Leavitt; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member;

McEntire, Assistant Ranking Minority Member; Dye; Eslick; Gilday; Kraft; MacEwen; Maycumber; Mosbrucker and Volz.

Referred to Committee on Capital Budget.

February 18, 2021

HB 1287 Prime Sponsor, Representative Ramel: Concerning preparedness for a zero emissions transportation future. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Duerr; Entenman; Hackney; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Griffey; McCaslin; Orcutt; Sutherland and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner and Klicker.

Referred to Committee on Transportation.

February 5, 2021

HB 1300 Prime Sponsor, Representative Thai: Addressing documentation and processes governing landlords' claims for damage to residential premises. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Leavitt and Thai.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1316 Prime Sponsor, Representative Cody: Concerning the hospital safety net assessment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 5, 2021

HB 1326 Prime Sponsor, Representative Lekanoff: Concerning coroners and medical examiners. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

February 5, 2021

HB 1335 Prime Sponsor, Representative Valdez: Concerning review and property owner notification of recorded documents with unlawful racial restrictions. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Appropriations.

February 5, 2021

HB 1359 Prime Sponsor, Representative Stonier: Reducing liquor license fees temporarily. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 10, 2021, the 31st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY FIRST DAY

House Chamber, Olympia, Wednesday, February 10, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1516 by Representatives Shewmake, Taylor, Valdez, Ramel, Ormsby and Springer

AN ACT Relating to agricultural labor; amending RCW 49.46.130; adding new sections to chapter 49.30 RCW; creating a new section; providing contingent effective dates; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1517 by Representatives Hansen, Kirby, Simmons, Peterson, Wylie, Leavitt, Taylor, Wicks, Fitzgibbon, Dolan, Entenman, Ortiz-Self, Bergquist, Valdez, Pollet, Ramel, Ormsby, Berg, Harris-Talley and Macri

AN ACT Relating to expanding Washington college grant awards; amending RCW 28B.92.205; and repealing RCW 28B.92.060.

Referred to Committee on Appropriations.

HB 1518 by Representatives Stonier and Ormsby

AN ACT Relating to environmental standards of paper products for printers and copiers that are purchased by the state, for state agencies; amending RCW 43.19A.022; reenacting and amending RCW 43.19A.010; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1519 by Representative Paul

AN ACT Relating to levy shifts resulting from court rulings; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1520 by Representatives Young, Walsh, Sutherland, Kraft, Dufault and Jacobsen

AN ACT Relating to providing business and occupation tax relief for businesses impacted by the COVID-19 pandemic; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1521 by Representatives Entenman, Sullivan, Callan, Jacobsen, Taylor, Stokesbary, Gregerson and Ormsby

AN ACT Relating to supporting warehousing and manufacturing job centers; adding new sections to chapter 82.14 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HJM 4001 by Representatives Young, Sutherland and Kraft

Applying for a convention to propose amendments to the United States Constitution relating to fiscal restraints on the federal government, the power and jurisdiction of the federal government, and terms of office for federal officials and for members of Congress.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bills and memorial 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 fifth order of business.

REPORTS OF STANDING COMMITTEES

February 4, 2021

HB 1342 Prime Sponsor, Representative Berg: Eliminating lunch copays for students who qualify for reduced-price lunches. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye and Hoff.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

Referred to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTIONS

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

HOUSE BILL NO. 1072
HOUSE BILL NO. 1119
ENGROSSED HOUSE BILL NO. 1199
ENGROSSED HOUSE BILL NO. 1311
ENGROSSED HOUSE BILL NO. 1342

There being no objection, the Committee on Commerce & Gaming was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 5272, and the bill was referred to the Committee on Appropriations.

The Speaker assumed the chair.

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

The Clerk called the roll and a quorum was present.

The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Harris-Talley, 37th Legislative District.

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 18, 2021

HB 1073 Prime Sponsor, Representative Berry: Expanding coverage of the paid family and medical leave program. Reported by Committee on

MAJORITY recommendation:

Referred to Committee on Appropriations.

February 5, 2021

HB 1076 Prime Sponsor, Representative Hansen: Allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member Mosbrucker, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 9, 2021

HB 1084 Prime Sponsor, Representative Ramel: Reducing statewide greenhouse gas emissions by achieving greater decarbonization of residential and commercial buildings. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Appropriations.

February 9, 2021

HB 1193 Prime Sponsor, Representative Hoff: Affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1219 Prime Sponsor, Representative Frame: Concerning the appointment of counsel for youth in dependency court proceedings. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member MacEwen, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Appropriations.

February 9, 2021

HB 1341 Prime Sponsor, Representative Bronoske: Concerning the professional rescue doctrine. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member Gilday, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1355 Prime Sponsor, Representative Dent: Concerning noxious weeds. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Rural Development, Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 9, 2021

HB 1363 Prime Sponsor, Representative Ortiz-Self: Addressing secondary trauma in the K-12 workforce. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; McCaslin and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; McEntire and Rude.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1373 Prime Sponsor, Representative Callan: Promoting student access to information about behavioral health resources. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; McEntire; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and McCaslin.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1393 Prime Sponsor, Representative Shewmake: Delaying certain implementation dates for the photovoltaic module stewardship and takeback program. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1088, by Representatives Lovick, Goodman, Fitzgibbon, J. Johnson, Slatter, Wylie, Ramos, Bateman, Berry, Dolan, Tharinger, Simmons, Ryu, Ramel, Shewmake, Leavitt, Senn, Peterson, Gregerson, Valdez, Callan, Chopp, Duerr, Ormsby, Taylor, Lekanoff, Santos, Macri, Frame, Orwall, Berg, Pollet and Harris-Talley

Concerning potential impeachment disclosures.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1088 was substituted for House Bill No. 1088 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1088 was read the second time.

Representative Gilday moved the adoption of amendment (035):

On page 2, line 12, after "days of" strike "the discovery of" and insert "making a finding or determination that the officer engaged in"

Representatives Gilday, Gilday again and Walsh spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (035) was not adopted.

Representative Klippert moved the adoption of amendment (036):

On page 2, line 12, after "within" strike "10" and insert "45"

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (036) 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 Lovick and Goodman spoke in favor of the passage of the bill.

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

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1088.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1088, 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, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

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

SUBSTITUTE HOUSE BILL NO. 1088, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1089, by Representatives Ramos, Goodman, Leavitt, Slatter, Wylie, Bateman, Berry, Dolan, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Hackney, Chopp, Duerr,

Ormsby, Taylor, Bronoske, Fey, Lekanoff, Santos, Macri, J. Johnson, Frame, Orwall and Pollet

Concerning compliance audits of requirements relating to peace officers and law enforcement agencies.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1089 was substituted for House Bill No. 1089 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1089 was read the second time.

Representative Ramos moved the adoption of amendment (034):

On page 1, line 7, after "auditor" strike "shall" and insert "is authorized to"

Representatives Ramos and Mosbrucker spoke in favor of the adoption of the amendment.

Amendment (034) was adopted.

The bill was ordered engrossed.

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

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

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

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1089.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1089, and the bill passed the House by the following vote: Yeas, 80; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dufault, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, 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, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Chase, Dent, Eslick, Griffey, Harris, Hoff, Klicker, Klippert, Kraft, MacEwen, McCaslin, McEntire, Mosbrucker, Vick, Walsh and Ybarra.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1089, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1001, by Representatives Maycumber, Lovick, Ryu, Boehnke, Leavitt, Lekanoff, Tharinger, Goodman, Young, Graham, Cody, Robertson and J. Johnson

Establishing a law enforcement professional development outreach grant program.

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 Maycumber and Lovick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1001.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1001, 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.

HOUSE BILL NO. 1001, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 11, 2021, the 32nd Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 11, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1522 by Representatives Barkis, Robertson, Kraft, Sutherland, Jacobsen and Eslick

AN ACT Relating to lowering the cost of state-funded transportation projects by eliminating business and occupation tax pyramiding on engineering services; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1523 by Representatives Wylie, Rude and Slatter

AN ACT Relating to renewal of the sales and use tax for transportation benefit districts; and amending RCW 82.14.0455.

Referred to Committee on Transportation.

HB 1524 by Representatives Mosbrucker, Dent, Chase, Boehnke, Jacobsen and Eslick

AN ACT Relating to authorizing the use of electric-assisted bicycles on all trails managed by the department of natural resources and the department of fish and wildlife on which the use of bicycles is authorized; amending RCW 79.10.500; and adding a new section to chapter 77.12 RCW.

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

HB 1525 by Representatives Walen, Hansen, Simmons and Slatter

AN ACT Relating to enforcement of judgments; amending RCW 6.15.010 and 6.27.100; creating a new section; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1526 by Representatives Stokesbary and Eslick

AN ACT Relating to authorizing local option revenue for homelessness services, subject to specified conditions, including prohibiting supervised injection sites and requiring local restrictions on camping on public property; adding new sections to chapter 82.14 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1527 by Representatives Mosbrucker, Dye, Schmick, Dent, Boehnke, Jacobsen, Eslick and Goehner

AN ACT Relating to addressing the extent to which Washington residents are at risk of rolling blackouts and inadequacy events like those experienced in California in 2020; amending RCW 19.280.065; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1528 by Representatives Robertson, Barkis and Eslick

AN ACT Relating to commute trip reduction policies in light of the global pandemic; amending RCW 47.66.030, 47.66.040, 47.66.100, 70A.15.4020, 70A.15.4040, 70A.15.4050, 82.08.0287, and 82.12.0282; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 1529 by Representatives Barkis, Fey, Slatter and Eslick

AN ACT Relating to modifying requirements in order to pay for debt service obligations when toll revenues are not sufficient to cover legal obligations; amending RCW 47.56.876; and declaring an emergency.

Referred to Committee on Transportation.

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

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

REPORTS OF STANDING COMMITTEES

February 9, 2021

HB 1022 Prime Sponsor, Representative MacEwen: Modifying Washington state horse racing commission provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1091 Prime Sponsor, Representative Fitzgibbon: Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick; Springer and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Sullivan.

Referred to Committee on Transportation.

February 9, 2021

HB 1096 Prime Sponsor, Representative Schmick: Concerning nonmedicare plans offered through the Washington state health insurance pool. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair;

Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Boehnke.

Referred to Committee on Rules for second reading.

February 10, 2021

HB 1105 Prime Sponsor, Representative Kloba: Concerning arrest protections for the medical use of cannabis. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member and Maycumber.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Ybarra.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1151 Prime Sponsor, Representative Leavitt: Bolstering economic recovery. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Housing, Human Services & Veterans be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Chandler.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1220 Prime Sponsor, Representative Peterson: Supporting emergency shelters and housing through local planning and development regulations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Dye; Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris; Jacobsen; Rude and Steele.

Referred to Committee on Appropriations.

February 9, 2021

HB 1366 Prime Sponsor, Representative Caldier: Requiring school districts to prioritize the resumption of in-person instruction to certain students following an emergency. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

February 10, 2021

HB 1378 Prime Sponsor, Representative Ybarra: Concerning the supervision of medical assistants. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris;

Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1430 Prime Sponsor, Representative Kloba: Concerning the duration of state upland leases for lands managed by the department of natural resources. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Capital Budget.

February 10, 2021

HB 1478 Prime Sponsor, Representative Shewmake: Concerning fish habitat enhancement projects authorized pursuant to RCW 77.55.181. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Fitzgibbon; Kloba; Lekanoff; Morgan; Ramos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative McEntire.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Klicker; Kretz; Orcutt and Schmick.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4608, by Representative Sullivan

NOW, THEREFORE, BE IT RESOLVED, That no later than Friday, February 26, 2021, the thirty-third legislative day, the House of Representatives shall meet to consider adoption of permanent House Rules for the Sixty-Seventh Legislature; and

BE IT FURTHER RESOLVED, That temporary House Rules for the Sixty-Seventh Legislature be adopted as follows:

TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE 2021-2022

**HOUSE
RULE NO.**

Rule 1	Definitions
Rule 2	Chief Clerk to Call to Order
Rule 3	Election of Officers
Rule 4	Powers and Duties of the Speaker
Rule 5	Chief Clerk
Rule 6	Executive Rules Committee
Rule 7	Duties of Employees
Rule 8	Admission to the House
Rule 9	Absentees and Courtesy
Rule 10	Bills, Memorials and Resolutions - Introductions
Rule 11	Reading of Bills
Rule 12	Amendments
Rule 13	Final Passage
Rule 14	Hour of Meeting, Roll Call and Quorum
Rule 15	Daily Calendar and Order of Business
Rule 16	Motions
Rule 17	Members Right to Debate
Rule 18	Rules of Debate
Rule 19	Ending of Debate - Previous Question
Rule 20	Voting
Rule 21	Reconsideration
Rule 22	Call of the House

Rule 23	Appeal from Decision of Chair
Rule 24	Standing Committees
Rule 25	Duties of Committees
Rule 26	Standing Committees - Expenses - Subpoena Power
Rule 27	Vetoed Bills
Rule 28	Suspension of Compensation
Rule 29	Smoking
Rule 30	Liquor
Rule 31	Parliamentary Rules
Rule 32	Standing Rules Amendment
Rule 33	Rules to Apply for Assembly
Rule 34	Legislative Mailings

Definitions

Rule 1. "Absent" means an unexcused failure to attend.

"Term" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the house in accordance with Article II § 12 of the state Constitution.

"Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.

"Fiscal committee" means the appropriations, capital budget, finance, and transportation committees.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

Chief Clerk to Call to Order

Rule 2. It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

Election of Officers

Rule 3. The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; a deputy speaker pro tempore, who shall serve in absence or in case of the inability of the speaker and speaker pro tempore; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If

any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

Powers and Duties of the Speaker

Rule 4. The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II § 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs as selected by the majority party caucus, and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee and the executive rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

Chief Clerk

Rule 5. The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall perform all administrative duties related to the public records obligations of members of the house.

The chief clerk shall employ, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

Executive Rules Committee

Rule 6. The executive rules committee is hereby established to oversee administrative operations of the house. The committee consists of four members of the majority caucus and three members of the minority caucus, to be named by the speaker and minority leader respectively.

Duties of Employees

Rule 7. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

Admission to the House

Rule 8. It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

The governor or designees, or both;

Members of the senate;

State elected officials;

Officers and authorized employees of the legislature;

Former members of the house who are not advocating any pending or proposed legislation;

Representatives of the press;

Other persons with the consent of the speaker.

(B) Only members of the house, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

Absentees and Courtesy

Rule 9. No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

Bills, Memorials and Resolutions - Introductions

Rule 10. Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

Any returning member or member-elect may prefile a bill with the chief clerk commencing the first Monday in December preceding any regular session or twenty (20) days before any special session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

No house bill may be introduced that is identical to any other pending house bill.

Reading of Bills

Rule 11. Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) FIRST READING. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) SECOND READING. Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) SUBSTITUTE BILLS. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) THIRD READING. Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) SUSPENSION CALENDAR. Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) HOUSE RESOLUTIONS. House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. House

resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Children's Day, Day of Remembrance, Martin Luther King Jr. Day, National Guard Day, and President's Day.

(G) CONCURRENT RESOLUTIONS. Reading of concurrent resolutions may be advanced by majority vote.

Amendments

Rule 12. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 11(E) and as follows:

(A) AMENDMENTS TO BE OFFERED IN PROPER FORM. The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) COMMITTEE AMENDMENTS. When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) SENATE AMENDMENTS TO HOUSE BILLS. A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) AMENDMENTS TO BE GERMANE. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) SCOPE AND OBJECT NOT TO BE CHANGED. No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

(F) NO AMENDMENT BY REFERENCE. No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) TITLE AMENDMENTS. The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

Final Passage

Rule 13. Rules relating to bills on final passage are as follows:

(A) BUDGET BILLS. No final passage vote may be taken on an operating budget, transportation budget, or

capital budget bill until twenty-four (24) hours after the bill is placed on the third reading calendar. The twenty-four (24) hour requirement does not apply to conference reports, which are governed by Joint Rule 20, or to bills placed on the third reading calendar by a two-thirds (2/3) vote of the members present.

(B) RECOMMITMENT BEFORE FINAL PASSAGE. A bill may be recommitted at any time before its final passage.

(C) FINAL PASSAGE. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II § 22)

(D) BILLS PASSED - CERTIFICATION. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

Hour of Meeting, Roll Call and Quorum

Rule 14. (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 22(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

Daily Calendar and Order of Business

Rule 15. The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

Motions

Rule 16. Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

- (1) Privileged motions:
 - Adjourn
 - Adjourn to a time certain
 - Recess to a time certain
 - Reconsider
 - Demand for division
 - Question of privilege
 - Orders of the day

- (2) Subsidiary motions:

First rank: Question of consideration

Second rank: To lay on the table

Third rank: For the previous question

Fourth rank: To postpone to a day certain

To commit or recommit

To postpone indefinitely

Fifth rank: To amend

(3) Incidental motions:

Points of order and appeal

Method of consideration

Suspension of the rules

Reading papers

Withdraw a motion

Division of a question

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 23.

Motions to adopt house resolutions shall be decided without debate, except as provided in Rule 11(F).

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

Members Right to Debate

Rule 17. The methods by which a member may exercise his or her right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 19 (Previous Question).

Rules of Debate

Rule 18. The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the distribution. This shall not apply to materials normally distributed by the chief clerk.

(E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) DIVISION OF POINTS OF DEBATE. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) DECORUM OF MEMBERS. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) REMARKS CONFINED. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) EXCEPTION TO WORDS SPOKEN IN DEBATE. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) TRANSGRESSION OF RULES - APPEAL. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

Ending of Debate - Previous Question

Rule 19. The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative _____ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the

bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

Voting

Rule 20. (A) **PUTTING OF QUESTION.** The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) **ALL MEMBERS TO VOTE.** Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) **CHANGE OF VOTE.** When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) **PRIVATE INTEREST.** No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

(E) **INTERRUPTION OF ROLL CALL.** Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) **YEAS AND NAYS - RECORDED VOTES.** Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(G) **TIE VOTE, QUESTION LOSES.** In case of an equal division, the question shall be lost.

(H) **DIVISION.** If the speaker is in doubt, or if division is

called for by any member, the house shall divide.

(I) **STATEMENT FOR JOURNAL.** A member whose recorded vote does not accurately reflect his or her intent may submit a written statement for the journal clarifying their intent to vote aye or nay. The statement must be submitted to the chief clerk on the same day the vote is taken. A member who is excused for one or more days of recorded votes may submit a written statement for the journal explaining the reason for his or her absence. The statement may not exceed fifty words and must be submitted to the chief clerk on the same day the member returns.

Reconsideration

Rule 21. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

Call of the House

Rule 22. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) **DOORS TO BE CLOSED.** When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) **SERGEANT AT ARMS TO BRING IN THE ABSENTEES.** The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read

and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) HOUSE UNDER CALL. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

Appeal from Decision of Chair

Rule 23. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

Rule 24. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Appropriations	33
2. Capital Budget	23
3. Children, Youth & Families	13
4. Civil Rights & Judiciary	17
5. College & Workforce Development	13
6. Commerce & Gaming	9
7. Community & Economic Development	13
8. Consumer Protection & Business	7
9. Education	13
10. Environment & Energy	13
11. Finance	17
12. Health Care & Wellness	15
13. Housing, Human Services & Veterans	9
14. Labor & Workplace Standards	7
15. Local Government	7
16. Public Safety	13
17. Rules	27
18. Rural Development, Agriculture & Natural Resources	15
19. State Government & Tribal Relations	7

20. Transportation 29

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs.

Duties of Committees

Rule 25. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) COMMITTEE QUORUM. A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may prepare a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee

votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage.

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

(9) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

(10) Insofar as practicable, testimony in public hearings should be balanced between those in support of and in opposition to proposed legislation, with consideration given to providing an opportunity for members of the public to testify within available time.

Standing Committees - Expenses - Subpoena Power

Rule 26. Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any process, the committee chairperson shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

Vetoed Bills

Rule 27. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately

by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

Suspension of Compensation

Rule 28. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

Smoking

Rule 29. Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

Liquor

Rule 30. The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

Parliamentary Rules

Rule 31. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Standing Rules Amendment

Rule 32. Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may

be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 11.

Rules to Apply for Assembly

Rule 33. The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

Legislative Publications

Rule 34. The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

Appendix to House Rules

The house of representatives of the sixty-seventh legislature acknowledges that the COVID-19 pandemic requires the adoption of extraordinary rules of procedure that protect the health of members, staff, and the public, and ensure transparency and openness in house proceedings.

Pursuant to Article II, Section 9 of the state Constitution, the house of representatives hereby adopts the following Appendix Rules A-1 through A-10 to govern its proceedings during the COVID-19 state of emergency.

Application of Rules

Rule A-1. Reed's Parliamentary Rules and the Rules of the House of Representatives are hereby superseded to the extent they are inconsistent with the rules set forth in this appendix.

Remote Participation and Voting Authorized

Rule A-2. House members shall participate remotely in official house proceedings, including committee meetings and floor sessions, and when doing so, shall be considered present for purposes of a quorum and voting.

Members are encouraged to use computers provided by the house to participate in committee meetings. Members are required to use computers provided by the house to cast votes in remote floor sessions and are required to use the virtual background provided by the house for their video display.

Admittance to House Facilities

Rule A-3. Admittance to house facilities is permitted only as follows:

(1) Presiding officers, the minority leader, floor leaders, and staff essential to floor operations are permitted in the chamber during floor proceedings.

(2) Including the members identified in subsection (1) of this rule, each caucus may designate 15 members to participate remotely from their assigned legislative offices. Each caucus must prioritize members with technological problems that preclude remote participation.

(3) The executive rules committee may authorize additional members of the house to participate remotely from their assigned legislative offices upon a showing that

technological problems preclude participation from the member's home or an alternate district location.

(4) Staff may access house facilities only with prior approval of the chief clerk.

Any person permitted access to house facilities must comply with public health requirements both on and off campus, and any other restriction established by executive rules and/or the chief clerk.

House Resolutions

Rule A-4. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Day of Remembrance, Martin Luther King Jr. Day, President's Day, National Guard Day, and Navy Day. Floor debate on commemorative resolutions is limited to 10 minutes for members of the majority caucus and 10 minutes for members of the minority caucus.

Members Right to Debate

Rule A-5. Any member who desires to speak may request to be recognized by use of the request to speak function in the remote floor activity system.

No member may speak longer than 10 minutes without consent of the house, PROVIDED, that on and after the fifth day prior to the day of adjournment Sine Die of any session, as determined by Article II, Section 12 of the state Constitution or concurrent resolution, and on and after the fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member may speak more than three minutes without consent of the house.

Amendments

Rule A-6. To facilitate the orderly consideration of legislation, the speaker, after consultation with the minority leader, may establish a deadline for submission of amendments.

Voting

Rule A-7. The speaker shall divide the house on all motions not requiring a recorded roll call vote. A member is not required to participate in a division vote.

All members present in the remote floor proceedings shall vote when the question is put on any motion requiring a recorded roll call vote. Before locking the roll call machine, the presiding officer shall call the name of any member not voting. If a member is unable to vote using the remote voting function, the member may vote orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

Any member who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the same day the

vote is taken or submit a statement for the journal indicating their intent to vote yea or nay.

Distribution of Materials

Rule A-8. Any requirement to distribute materials to members' desks is satisfied by distribution through electronic means.

Duties of Committees

Rule A-9. Every notice of a committee meeting shall include a web address for information about viewing and providing public testimony at committee meetings in lieu of a physical location.

Every member participating remotely in a committee meeting shall be considered present for purposes of quorum and roll call voting.

Only such bills as are included on the written notice of a committee meeting may be considered at that meeting.

Every report and recommendation shall be made by members of the committee during a regularly called meeting of the committee. No signatures are required.

Every vote to report a bill out of committee shall be taken by the yeas and nays, with nays specifying "do not pass" or "without recommendation."

A meeting shall be considered open to the public if an alternate and broadly accessible means for the public to view the meeting is available.

Term of Appendix Rules

Rule A-10. The rules in this appendix expire on the termination of the COVID-19 state of emergency.

HOUSE RESOLUTION NO. 4608 was adopted.

There being no objection, the House adjourned until 9:55 a.m., February 12, 2021, the 33rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY THIRD DAY

House Chamber, Olympia, Friday, February 12, 2021

The House was called to order at 9:50 a.m. by the Speaker (Representative Lovick presiding).

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

RESOLUTION

HOUSE RESOLUTION NO. 2021-4606, by Representatives Thai, Wicks, Cody, Entenman, Bateman, Shewmake, Berry, Wylie, Dolan, Senn, Bronoske, Springer, Taylor, Simmons, Ryu, Fitzgibbon, Davis, Ramel, Orwall, Dufault, Macri, Kloba, Callan, Ramos, Morgan, Harris-Talley, Stonier, Paul, Slatter, Fey, Walen, Valdez, Gregerson, and Santos

WHEREAS, On this 12th day of February 2021, the people of Washington join the celebration of the Lunar New Year to distinguish Asian American joy, culture, and diversity; and

WHEREAS, The Lunar New Year begins on the first new moon of the lunisolar calendar; and

WHEREAS, This year is designated as the Year of the Ox, a zodiac sign characterized by diligence, persistence, and honesty that we hope our chamber will strive to emulate; and

WHEREAS, The celebration of the Lunar New Year exhibits Washington's commitment to preserving cultural heritage and honoring the sacrifices of our Asian American ancestors; and

WHEREAS, Washington is home to nearly nine hundred thousand Asian and Pacific Islander Americans who are an integral component of the diverse fabric of our state; and

WHEREAS, We highlight the strength of Native Hawaiians and Pacific Islanders who were disproportionately impacted by Covid-19; and

WHEREAS, We acknowledge the resilience of Asian American frontline employees, essential workers, and small businesses through the challenges of the pandemic this year; and

WHEREAS, We recognize the perseverance of Asian communities who withstood xenophobia and racism for generations and from this pandemic; and

WHEREAS, The Lunar New Year is a time to reflect on our successes and challenges from the past, to learn from those experiences, and to create new goals and objectives for the coming year; and

WHEREAS, We commend this Lunar New Year tradition of familial reunion, and hope to reflect these practices as a unified legislative body;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives stand in solidarity with the Asian and Pacific Islander American community to celebrate heritage, cultural unity, and brand new beginnings through the acknowledgment of the Lunar New Year.

There being no objection, HOUSE RESOLUTION NO. 4606 was adopted.

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

INTRODUCTION & FIRST READING

HB 1530 by Representatives Chambers, Springer, Klicker, Jacobsen, Sutherland and Eslick

AN ACT Relating to creating Washington wine special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1531 by Representatives Volz, Springer, Lekanoff, Sutherland, Walsh, Eslick and Harris-Talley

AN ACT Relating to creating a business and occupation tax deduction for interest earned on public funds; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1532 by Representatives Ormsby, Lekanoff, Harris-Talley and Macri

AN ACT Relating to court filing fees; and amending RCW 3.62.060, 36.18.018, and 36.18.020.

Referred to Committee on Appropriations.

HB 1533 by Representatives Robertson, Wicks, Shewmake, Sutherland and Eslick

AN ACT Relating to spirits taxes; amending RCW 82.08.150 and 82.08.160; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1534 by Representatives Shewmake, Lekanoff, Santos and Pollet

AN ACT Relating to establishing a carbon pollution tax that recognizes the nature of energy-intensive, trade-exposed industries; and adding a new chapter to Title 82 RCW.

Referred to Committee on Environment & Energy.

HB 1535 by Representatives Stokesbary, Robertson, Dufault, Jacobsen, Sutherland, Walsh, Eslick and Harris-Talley

AN ACT Relating to exempting family and household necessities from the sales and use tax; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; and creating a new section.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

February 22, 2021

HB 1127 Prime Sponsor, Representative Slatter: Protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member and Chandler.

Referred to Committee on Appropriations.

February 10, 2021

HB 1147 Prime Sponsor, Representative Ryu: Creating the Washington state office of resiliency. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Frame; Johnson, J.; Kraft; Lovick; Rule and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen and Sutherland.

Referred to Committee on Appropriations.

February 10, 2021

HB 1218 Prime Sponsor, Representative Bateman: Improving health, safety, and quality of life for residents in long-term care facilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Assistant Ranking Minority Member and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; Maycumber and Rude.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1258 Prime Sponsor, Representative Frame: Concerning the operation, authorization, and permitting of microenterprise home kitchens. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority

Member; Boehnke; Chandler; Chopp; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Caldier and Cody.

Referred to Committee on Appropriations.

February 10, 2021

HB 1283 Prime Sponsor, Representative Senn: Including the open carry or display of weapons within the offense of criminal mischief. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2021

HB 1323 Prime Sponsor, Representative Tharinger: Concerning the long-term services and supports trust program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Assistant Ranking Minority Member; Rude and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member and Maycumber.

Referred to Committee on Rules for second reading.

February 9, 2021

HB 1331 Prime Sponsor, Representative Harris-Talley: Concerning early learning facility

impact fees. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

February 10, 2021

HB 1340 Prime Sponsor, Representative Lovick: Concerning creation of the statewide pandemic preparation and response task force. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Frame; Jacobsen; Johnson, J.; Lovick; Rule; Sutherland and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

Referred to Committee on Appropriations.

February 10, 2021

HB 1395 Prime Sponsor, Representative Morgan: Ensuring equity in farming. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Fitzgibbon; Kloba; Lekanoff; Morgan; Ramos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Kretz and McEntire.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Assistant Ranking Minority Member; Klicker; Orcutt and Schmick.

Referred to Committee on Appropriations.

February 22, 2021

HB 1412 Prime Sponsor, Representative Simmons: Concerning legal financial obligations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Dye; Harris; Hoff; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 10, 2021

HB 1431 Prime Sponsor, Representative Rule: Encouraging youth participation in fishing and shellfishing. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Lekanoff; Morgan; Orcutt; Ramos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler, Ranking Minority Member; Kretz; McEntire and Schmick.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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:

HOUSE BILL NO. 1198
HOUSE BILL NO. 1279

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

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

The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Jesse Young, 26th Legislative District.

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

MESSAGES FROM THE SENATE

February 10, 2021

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5027,
SUBSTITUTE SENATE BILL NO. 5034,
SENATE BILL NO. 5046,
SENATE BILL NO. 5048,
SENATE BILL NO. 5132,
SUBSTITUTE SENATE BILL NO. 5157,
SUBSTITUTE SENATE BILL NO. 5169,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 10, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1095,
HOUSE BILL NO. 1367,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1095
HOUSE BILL NO. 1367
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368

The Speaker called upon Representative Orwall to preside.

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

SECOND READING

HOUSE BILL NO. 1342, by Representatives Berg, Gregerson, Berry, Wicks, Chopp, Valdez, Morgan, Sells, Fitzgibbon, Orwall, Santos, Ryu, Peterson, Rude, Maycumber, Shewmake, Stokesbary, Ormsby, Lovick, Stonier, Bergquist, Bateman, Lekanoff, Callan, Frame, Riccelli, Pollet and Harris-Talley

Eliminating lunch copays for students who qualify for reduced-price lunches.

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (038):

On page 4, line 18, after "(7)" strike "Subject to the availability of funds appropriated for this specific purpose and beginning" and insert "Beginning"

On page 4, line 22, after "lunches" insert ", and the superintendent of public instruction must allocate funding for this purpose"

Representatives Stokesbary and Berg spoke in favor of the adoption of the amendment.

Amendment (038) was adopted.

The bill was ordered engrossed.

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

Representatives Berg, Steele, Morgan and Ybarra spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Shewmake was excused.

On motion of Representative Graham, Representatives Griffey and Sutherland were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1342.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1342, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Representative Kraft.

Excused: Representatives Griffey and Shewmake.

ENGROSSED HOUSE BILL NO. 1342, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1311, by Representatives Bronoske, Ryu, Simmons, Leavitt, Sells, Berry, Cody, Ortiz-Self, Chopp, Davis, Bateman, Lovick, Callan, Pollet, Macri and Peterson

Authorizing the issuance of substance use disorder professional certifications to persons participating in apprenticeship programs.

The bill was read the second time.

Representative Bronoske moved the adoption of amendment (042):

On page 1, line 15, after "education" strike "or registered apprenticeship program" and insert "program or an apprenticeship program registered and approved under chapter 49.04 RCW and approved by the secretary,"

On page 2, line 22, after "educational" strike "or registered apprenticeship"

On page 2, line 23, after "secretary" insert ", an apprenticeship program registered and approved under chapter 49.04 RCW and approved by the secretary,"

On page 3, after line 7, insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter RCW 49.04 RCW to read as follows:

Educational requirements for an apprenticeship for substance use disorder professionals must be defined by the secretary of health under RCW 19.205.100."

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

Representatives Bronoske and Schmick spoke in favor of the adoption of the amendment.

Amendment (042) was adopted.

The bill was ordered engrossed.

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

Representatives Bronoske and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1311.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1311, and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 2.

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

Voting nay: Representatives Caldier, Chase, Dent, Dufault, Kraft, MacEwen, McCaslin, McEntire, Walsh, Wilcox and Ybarra.

Excused: Representatives Griffey and Shewmake.

ENGROSSED HOUSE BILL NO. 1311, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Leavitt congratulated Representative Bronoske on the passage of his first bill through the House and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 1119, by Representatives Jacobsen, Simmons, Young, Graham, Pollet, Leavitt, Dolan and Rule

Notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education.

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 Jacobsen and Slatter 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 House Bill No. 1119.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1119, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Griffey and Shewmake.

HOUSE BILL NO. 1119, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Chambers congratulated Representative Jacobsen on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1279, by Representatives Rule, Ramel, Bateman, Boehnke, Shewmake, Chapman, Ryu, J. Johnson, Wicks, Senn, Hoff, Walen, Peterson, Hackney, Rude, Callan, Leavitt, Vick and Harris-Talley

Modifying the Washington main street program tax incentive to respond to the economic impacts of the COVID-19 pandemic.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1279 was substituted for House Bill No. 1279 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1279 was read the second time.

With the consent of the House, amendment (046) was withdrawn.

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

Representatives Rule 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 Substitute House Bill No. 1279.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1279, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Griffey and Shewmake.

SUBSTITUTE HOUSE BILL NO. 1279, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

The Speaker congratulated Representative Rule on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1072, by Representatives Lekanoff, Valdez, Wylie, Simmons, Kloba, Gregerson, Santos, Macri and Pollet

Removing only one of the restrictions on the use of civil legal aid funds.

The bill was read the second time.

Representative Walsh moved the adoption of amendment (043):

On page 2, line 16, after "decisions," strike "and" and insert "~~(and)~~"

On page 2, line 17, after "law" insert "and (p) immigration legal assistance and services"

On page 4, beginning on line 20, after "(g)" strike all material through "~~(h)~~" on line 22 and insert "Representation of individuals who are in the United States without legal authority, except in matters relating to immigration."

(h) "

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

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (043).

SPEAKER'S RULING

"The title of House Bill 1072 is an act relating to 'removing only one of the restrictions on the use of civil legal aid funds.'

Amendment (043) restores the restriction and authorizes the use of civil legal aid funds for a different purpose.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Walsh moved the adoption of amendment (044):

On page 4, beginning on line 20, after "(g)" strike all material through "~~(h)~~" on line 22 and insert "Representation of individuals who are in the United States without legal authority, except where the individual is a defendant in a pending legal matter."

(h) "

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

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (044).

SPEAKER'S RULING

“The title of House Bill 1072 is an act relating to ‘removing only one of the restrictions on the use of civil legal aid funds.’

Amendment (044) does not remove the restriction. Instead it modifies it.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken.”

Representative Walsh moved the adoption of amendment (045):

On page 5, line 3, after "(6)" insert "When funds distributed to qualified legal aid programs under this section are used to represent a plaintiff who is an individual in the United States without legal authority, fifty percent of any judgment, settlement, or award obtained by that plaintiff must be remitted to the office of civil legal aid.

(7) "

On page 5, at the beginning of line 28, strike "(8)" and insert "((~~8~~)) (9)"

On page 5, at the beginning of line 31, strike "(9)" and insert "((~~9~~)) (10)"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (045).

SPEAKER'S RULING

“The title of House Bill 1072 is an act relating to ‘removing only one of the restrictions on the use of civil legal aid funds.’

Amendment (045) restores the restriction and directs the distribution of damages when civil legal aid funds are used to represent an individual.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken.”

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

Representatives Lekanoff, Valdez and Stonier spoke in favor of the passage of the bill.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1072.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1072, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, 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.

Excused: Representatives Griffey and Shewmake.

HOUSE BILL NO. 1072, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1199, by Representatives Corry, Chapman, Davis, Dent and Eslick

Providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default.

The bill was read the second time.

Representative Corry moved the adoption of amendment (041):

On page 3, line 6, after "improvements" insert ", as authorized under RCW 79.13.050, "

On page 3, line 8, after "for the" strike "value of the improvements" and insert "fair market value of the improvements. In the event that an agreement cannot be reached between the state and the lessee on the fair market value of the improvements, the valuation must be determined as prescribed under RCW 79.13.160"

Representatives Corry and Chapman spoke in favor of the adoption of the amendment.

Amendment (041) was adopted.

Representative Corry moved the adoption of amendment (037):

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

"(9) The compensation and reimbursement available to a lessee under subsections (6) and (8) of this section, respectively, is the sole financial remedy available to the lessee based on the department's exercise of a nondefault or early termination provision in an agriculture or grazing lease. Appeal rights under RCW 79.02.030 are unaffected by the relief provided in this section."

Representatives Corry and Chapman spoke in favor of the adoption of the amendment.

Amendment (037) was adopted.

The bill was ordered engrossed.

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

Representatives Corry, Chapman 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 House Bill No. 1199.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1199, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Griffey and Shewmake.

ENGROSSED HOUSE BILL NO. 1199, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1198, by Representatives Dent and Orwall

Concerning the state commercial aviation coordinating commission.

The bill was read the second time.

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

Representatives Dent and Fey 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 House Bill No. 1198.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1198, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Griffey and Shewmake.

HOUSE BILL NO. 1198, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 8:30 a.m., February 15, 2021, the 36th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 15, 2021

The House was called to order at 8:30 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were presented by the Nisei Veterans Committee Color Guard. Boy Scout Troop 252, Seattle Buddhist Church led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Matt Boehnke, 8th Legislative District.

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

RESOLUTION

HOUSE RESOLUTION NO. 2021-4609, by Representatives Jinkins, Wilcox, 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, Wylie, Ybarra, and Young

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese Americans from Bainbridge Island less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to hastily constructed detention centers like Camp Harmony on the grounds of the Washington State fair in Puyallup; and

WHEREAS, This drastic course of action allegedly aimed to prevent acts of espionage and sabotage by Japanese Americans who were deemed untrustworthy and disloyal to the United States; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese Americans, many of whom reported for military duty from the concentration

camp surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with a casualty rate of 314% and earning a collective 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

WHEREAS, Equally loyal and patriotic Japanese Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington student and Auburn native Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; and

WHEREAS, In 1982, the Congressional commission on wartime relocation and internment of civilians found "no military or security reason for the internment" of persons of Japanese ancestry, but determined the cause of the incarceration as "racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Through this travesty of justice, Japanese Americans suffered immense economic loss of property and assets, immeasurable physical and psychological harm, and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1979, Washington State Congressman Mike Lowry introduced H.R. 5977 to provide reparations and an apology to the Japanese American incarcerated, thus initiating a ten-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, Throughout Washington State, the last remaining survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps live their golden years in quiet contrast to their extraordinary acts of conscience and valor while all of America continues to benefit from their heroic patriotism;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives pause to acknowledge the seventy-ninth anniversary of the signing of Executive Order 9066; to recognize and remember Japanese American veterans, incarcerated, and civil rights activists from the State of Washington, and to honor the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, Densho, the Japanese American Citizens League, the Japanese Cultural and Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Representative Santos moved adoption of HOUSE RESOLUTION NO. 4609

Representatives Santos, Corry, Eslick and Stonier spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4609 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4607, by Representatives Jinkins, Wilcox, 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, Wylie, Ybarra, and Young

WHEREAS, Washington state and the nation recognize the third Monday of every February to celebrate George Washington and Abraham Lincoln, as they were both born in February, and all presidents that have fought for the freedom ensured to us in the Constitution; and

WHEREAS, George Washington, the first elected president, and the namesake of Washington state, paved the way in exhibiting courageous leadership while commanding the Continental Army during the Revolutionary War, and performing the historic tasks of the first President of the United States; and

WHEREAS, Abraham Lincoln, the sixteenth president of the United States, ended slavery by enacting the Emancipation Proclamation and composed the revered Gettysburg address, inspiring thousands to fight in the Civil War to end slavery and push for the equality of all people in the United States; and

WHEREAS, Both President George Washington and President Abraham Lincoln exhibited courage and perseverance in the face of adversity, fighting to further the rights of Americans; and

WHEREAS, Both President George Washington and President Abraham Lincoln translated their prior unique experiences into providing a different perspective in the White House; and

WHEREAS, We recognize all the presidents that followed in George Washington's and Abraham Lincoln's call to govern as a servant of the people and guardians for the rights given to all the people of the United States through the Constitution;

NOW, THEREFORE, BE IT RESOLVED, That on this fifteenth day of February 2021, the House of Representatives honor the first and sixteenth presidents of the United States for their immeasurable contributions to, and noble sacrifices for, the causes of liberty, equality, and justice.

Representative Hackney moved adoption of HOUSE RESOLUTION NO. 4607

Representatives Hackney and MacEwen spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4607 was adopted.

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

INTRODUCTION & FIRST READING

HB 1536 by Representatives Maycumber, Chandler, Boehnke, Stonier, Abbarno, Klicker, Griffey, Jacobsen, Gilday, Kretz, Robertson and Volz

AN ACT Relating to establishing regional apprenticeship programs through educational service districts; adding a new section to chapter 28A.310 RCW; and creating a new section.

Referred to Committee on Education.

SB 5027 by Senators Padden, Salomon, Hunt, Lovelett, Stanford, Wilson and C.

AN ACT Relating to closed captioning on televisions in places of public accommodation; adding a new section to chapter 49.60 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

SSB 5034 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Padden and Mullet)

AN ACT Relating to nonprofit corporations; amending RCW 11.110.020, 23.95.255, 23.95.305, 7.60.025, 9.46.0209, 15.105.020, 18.100.050, 18.100.130, 18.100.134, 23.95.105, 24.50.010, 28A.710.010, 35.67.020, 35.67.190, 35.92.020, 36.89.080, 36.94.140, 39.34.030, 39.34.055, 41.04.382, 43.06.335, 43.07.120, 43.07.190, 43.15.030, 43.105.020, 43.210.020, 43.210.040, 43.330.135, 46.19.020, 48.30.135, 48.180.010, 64.34.300, 64.38.025, 64.90.400, 66.24.495, 66.24.680, 68.20.020, 70.45.070, 70.290.030, 79A.30.030, 79A.30.040, 79A.35.130, 79A.70.030, 82.04.4251, 82.04.4264, 82.04.431, 82.04.4328, 82.08.0203, 82.08.0293, 82.12.0293,

88.46.065, and 89.08.405; reenacting and amending RCW 19.142.010, 48.62.021, and 74.15.020; adding a new section to chapter 74.15 RCW; adding a new chapter to Title 24 RCW; repealing RCW 24.03.005, 24.03.009, 24.03.010, 24.03.015, 24.03.017, 24.03.020, 24.03.025, 24.03.027, 24.03.030, 24.03.035, 24.03.040, 24.03.043, 24.03.045, 24.03.046, 24.03.047, 24.03.048, 24.03.050, 24.03.055, 24.03.060, 24.03.065, 24.03.070, 24.03.075, 24.03.080, 24.03.085, 24.03.090, 24.03.095, 24.03.100, 24.03.103, 24.03.1031, 24.03.105, 24.03.110, 24.03.113, 24.03.115, 24.03.120, 24.03.125, 24.03.127, 24.03.130, 24.03.135, 24.03.140, 24.03.145, 24.03.150, 24.03.155, 24.03.160, 24.03.165, 24.03.170, 24.03.175, 24.03.180, 24.03.183, 24.03.185, 24.03.190, 24.03.195, 24.03.200, 24.03.205, 24.03.207, 24.03.210, 24.03.215, 24.03.217, 24.03.220, 24.03.225, 24.03.230, 24.03.235, 24.03.240, 24.03.245, 24.03.250, 24.03.255, 24.03.260, 24.03.266, 24.03.271, 24.03.276, 24.03.295, 24.03.300, 24.03.302, 24.03.305, 24.03.310, 24.03.315, 24.03.325, 24.03.332, 24.03.334, 24.03.335, 24.03.340, 24.03.345, 24.03.350, 24.03.360, 24.03.365, 24.03.370, 24.03.380, 24.03.390, 24.03.395, 24.03.405, 24.03.417, 24.03.420, 24.03.425, 24.03.430, 24.03.435, 24.03.440, 24.03.445, 24.03.455, 24.03.460, 24.03.465, 24.03.470, 24.03.480, 24.03.490, 24.03.500, 24.03.510, 24.03.520, 24.03.530, 24.03.540, 24.03.550, 24.03.900, 24.03.905, 24.03.915, 24.03.920, and 24.03.925; prescribing penalties; and providing effective dates.

Referred to Committee on Appropriations.

SB 5046 by Senators Conway, Keiser and King

AN ACT Relating to workers' compensation claim resolution settlement agreements; amending RCW 51.04.062, 51.04.063, 51.04.065, 51.04.069, and 51.52.120; reenacting and amending RCW 42.56.230; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

SB 5048 by Senators Mullet and Das

AN ACT Relating to reinsurance agreements; amending RCW 48.12.405, 48.12.435, and 48.12.445; and adding new sections to chapter 48.12 RCW.

Referred to Committee on Consumer Protection & Business.

SB 5132 by Senators Pedersen, Padden and Mullet

AN ACT Relating to trusts and estates; amending RCW 11.02.005, 11.12.020, 11.12.040, 11.20.020, 11.20.070, 30B.24.005, 11.12.110, 11.12.120, 11.95.110, 11.95.120, 11.95.130, 11.95.140, 11.95.150, 11.97.010, 11.97.900, 11.40.140, 11.48.120, 11.48.130, 11.68.041, 11.68.050, 11.68.065, 11.68.070, 11.68.090, 11.68.095, 11.68.100, 11.68.110, 11.68.112, 11.68.114, 11.68.120, 11.96A.030, 11.96A.110, 11.96A.220, 11.96A.220, 11.96A.230, 11.98.900, 11.100.050, 11.104A.900, and

11.114.020; adding new sections to chapter 11.12 RCW; adding new sections to chapter 11.68 RCW; adding new chapters to Title 11 RCW; creating a new section; recodifying RCW 11.104A.901, 11.104A.907, 11.95.100, 11.95.110, 11.95.120, 11.95.130, 11.95.140, and 11.95.150; repealing RCW 11.104A.001, 11.104A.005, 11.104A.010, 11.104A.020, 11.104A.030, 11.104A.040, 11.104A.050, 11.104A.060, 11.104A.070, 11.104A.080, 11.104A.090, 11.104A.100, 11.104A.110, 11.104A.120, 11.104A.130, 11.104A.140, 11.104A.150, 11.104A.160, 11.104A.170, 11.104A.180, 11.104A.190, 11.104A.200, 11.104A.210, 11.104A.220, 11.104A.230, 11.104A.240, 11.104A.250, 11.104A.260, 11.104A.270, 11.104A.280, 11.104A.290, 11.104A.300, 11.104A.900, 11.104A.904, 11.104A.905, 11.104A.906, 11.95.010, 11.95.020, 11.95.030, 11.95.040, 11.95.060, 11.95.070, 11.95.160, and 11.95.900; providing effective dates; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

SSB 5157 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Wagoner, Dhingra and Nobles)

AN ACT Relating to providing incentives to reduce involvement by persons with behavioral disorders in the criminal justice system; amending RCW 70.320.020 and 70.320.030; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5169 by Senate Committee on Health & Long Term Care (originally sponsored by Frockt, Holy, Carlyle, Das, Hunt, Kuderer, Liias, Randall, Robinson, Wilson and C.)

AN ACT Relating to provider reimbursement for personal protective equipment during the state of emergency related to COVID-19; adding a new section to chapter 48.43 RCW; creating new sections; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

February 11, 2021

HB 1050 Prime Sponsor, Representative Fitzgibbon: Reducing greenhouse gas emissions from fluorinated gases. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1057 Prime Sponsor, Representative Pollet: Clarifying the meaning of the term "enjoyment of life and property" within the clean air act. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1083 Prime Sponsor, Representative Gregerson: Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing, Human Services & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.;

Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1114 Prime Sponsor, Representative Dye: Encouraging utility mitigation of urban heat island effects. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel and Slatter.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1126 Prime Sponsor, Representative Goodman: Limiting tolling of community custody terms. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier and Rude.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1139 Prime Sponsor, Representative Pollet: Taking action to address lead in drinking water. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Boehnke; Dye; Hoff and Schmick.

Referred to Committee on Appropriations.

February 11, 2021

HB 1148 Prime Sponsor, Representative Cody: Protecting patients in acute care hospitals. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen and Schmick.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1152 Prime Sponsor, Representative Riccelli: Supporting measures to create comprehensive public health districts. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill

do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Dye; Hoff; Jacobsen; Rude and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Boehnke and Schmick.

Referred to Committee on Appropriations.

February 12, 2021

HB 1153 Prime Sponsor, Representative Orwall: Increasing language access in public schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member; McCaslin and McEntire.

Referred to Committee on Appropriations.

February 18, 2021

HB 1156 Prime Sponsor, Representative Harris-Talley: Increasing representation and voter participation in local elections. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member;

Chandler; Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier.

Referred to Committee on Appropriations.

February 22, 2021

HB 1183 Prime Sponsor, Representative Caldier: Creating the home sharing support grant program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 11, 2021

HB 1186 Prime Sponsor, Representative Goodman: Concerning juvenile rehabilitation. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Chandler; Dye; Hoff; Rude and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Harris; Jacobsen and Schmick.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1208 Prime Sponsor, Representative Santos: Modifying the learning assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 12, 2021

HB 1214 Prime Sponsor, Representative Senn: Providing K-12 public school safety and security services by classified staff or contractors. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and McEntire.

Referred to Committee on Appropriations.

February 22, 2021

HB 1223 Prime Sponsor, Representative Peterson: Enacting the uniform electronic recordation of custodial interrogations act. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Duerr; Entenman; Hackney; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; McCaslin; Orcutt and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Chapman and Sutherland.

Referred to Committee on Transportation.

February 10, 2021

HB 1241 Prime Sponsor, Representative Duerr: Planning under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1262 Prime Sponsor, Representative Klippert: Concerning background investigations of peace officers, reserve officers, and corrections officers. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Hackney; Lovick; Orwall; Simmons and Young.

MINORITY recommendation: Do not pass. Signed by Representative Ramos.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1264 Prime Sponsor, Representative Thai: Establishing an equity impact statement for legislative proposals. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member Walsh, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

Referred to Committee on Appropriations.

February 19, 2021

HB 1272 Prime Sponsor, Representative Macri: Concerning health system transparency. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on . Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 11, 2021

HB 1282 Prime Sponsor, Representative Simmons: Concerning allowed earned time for certain offenses. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham; Griffey and Young.

Referred to Committee on Appropriations.

February 12, 2021

HB 1302 Prime Sponsor, Representative Berg: Concerning college in the high school programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice

Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1307 Prime Sponsor, Representative Hackney: Concerning the drug offense sentencing grid. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham; Griffey and Young.

Referred to Committee on Appropriations.

February 19, 2021

HB 1310 Prime Sponsor, Representative Johnson, J.: Concerning permissible uses of force by law enforcement and correctional officers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member Corry, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 12, 2021

HB 1314 Prime Sponsor, Representative Young: Concerning veteran diversion from involuntary commitment. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1348 Prime Sponsor, Representative Davis: Providing medical assistance to incarcerated persons. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 12, 2021

HB 1356 Prime Sponsor, Representative Lekanoff: Prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives McCaslin and McEntire.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1357 Prime Sponsor, Representative Mosbrucker: Concerning voters' pamphlets for overseas and service voters. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 12, 2021

HB 1376 Prime Sponsor, Representative Fey: Concerning registration of land titles. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representative Walsh, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member and Ybarra.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1382 Prime Sponsor, Representative Tharinger: Streamlining the environmental permitting process for salmon recovery projects. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture & Natural Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen,

Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Hoff; Jacobsen and Schmick.

Referred to Committee on Appropriations.

February 11, 2021

HB 1383 Prime Sponsor, Representative Taylor: Concerning respiratory care practitioners. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1411 Prime Sponsor, Representative Simmons: Expanding health care workforce eligibility. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Riccelli; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Assistant Ranking Minority Member and Rude.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1416 Prime Sponsor, Representative Walen: Concerning the reporting of debt information by insurers to enhance the collection of past-due child support. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Gilday, Assistant Ranking Minority Member; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh,

Ranking Minority Member; Graham, Assistant Ranking Minority Member and Abbarno.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1421 Prime Sponsor, Representative Dufault: Concerning a property owner's or tenant's liability for delinquent and unpaid utility service charges. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1423 Prime Sponsor, Representative Fitzgibbon: Concerning smoke management civil enforcement. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representative Goehner.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1425 Prime Sponsor, Representative Taylor: Expanding scholarships for community and technical college students. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Hansen; Hoff; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1437 Prime Sponsor, Representative MacEwen: Concerning a vessel crewmember license. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1441 Prime Sponsor, Representative Morgan: Prohibiting discrimination against prospective tenants for unpaid rent or eviction during the COVID-19 pandemic. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Leavitt and Thai.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1445 Prime Sponsor, Representative Thai: Concerning the definition of compounding for purposes of the practice of pharmacy. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1453 Prime Sponsor, Representative Bergquist: Concerning voters' pamphlets. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1456 Prime Sponsor, Representative Rule: Concerning minimum staffing levels for Washington main street programs. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Corry; Frame; Jacobsen; Johnson, J.; Kraft; Lovick; Rule; Sutherland and Taylor.

Referred to Committee on Appropriations.

February 11, 2021

HB 1468 Prime Sponsor, Representative Slatter: Increasing student access to mental health counseling and services at community and technical colleges. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; Hoff and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Kraft.

Referred to Committee on Appropriations.

February 12, 2021

HB 1469 Prime Sponsor, Representative Wicks: Concerning enhanced raffle procedures. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson,

Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1471 Prime Sponsor, Representative Santos: Concerning community preservation and development authorities. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Corry; Frame; Jacobsen; Johnson, J.; Lovick; Rule; Sutherland and Taylor.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 11, 2021

HB 1472 Prime Sponsor, Representative Slatter: Adding a graduate student to the student achievement council. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; Chandler; Hoff; Kraft and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representative Chambers, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1482 Prime Sponsor, Representative Walsh: Addressing foreclosure protections for homeowners in common interest communities. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman;

Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1486 Prime Sponsor, Representative Berry: Concerning qualifications for unemployment insurance when an individual voluntarily leaves work. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1487 Prime Sponsor, Representative Bronoske: Concerning unemployment insurance systems enhancements, including creating a reserve force of unemployment claim adjudicators, effective and equitable claims processing, and transparent performance metrics. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske; Harris and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Hoff, Ranking Minority Member Mosbrucker, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1491 Prime Sponsor, Representative Orcutt: Concerning the rights-of-way for the transport of timber, minerals, stone, sand, gravel, or other valuable materials. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff;

McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1492 Prime Sponsor, Representative Sells: Concerning extended benefits in the unemployment insurance system. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1493 Prime Sponsor, Representative Sells: Concerning job search monitoring. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1508 Prime Sponsor, Representative Chapman: Concerning the sanitary control of shellfish. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 12, 2021

HB 1525 Prime Sponsor, Representative Walen: Concerning enforcement of judgments. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

**1ST SUPPLEMENTAL
REPORTS OF STANDING COMMITTEES**

February 11, 2021

HB 1107 Prime Sponsor, Representative Chapman:
Expanding certain nonresident vessel
permit provisions. Reported by Committee
on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

March 22, 2021

HB 1157 Prime Sponsor, Representative Bateman:
Increasing housing supply through the
growth management act and housing
density tax incentives for local
governments. Reported by Committee on
Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Finance.

February 12, 2021

HB 1233 Prime Sponsor, Representative Barkis:
Concerning limited areas of more intensive
rural development. Reported by
Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Goehner, Ranking Minority Member; Berg; Robertson and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative Duerr, Vice Chair.

Referred to Committee on Appropriations.

February 11, 2021

HB 1269 Prime Sponsor, Representative Kirby:
Addressing motor vehicle transporter
license plates. Reported by Committee on
Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; McCaslin; Orcutt and Sutherland.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1274 Prime Sponsor, Representative Hackney:
Concerning cloud computing solutions.
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 12, 2021

HB 1306 Prime Sponsor, Representative Sells:
Concerning bond authorization training for
school district boards of directors.
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self; Rude and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives McEntire and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and McCaslin.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1320 Prime Sponsor, Representative Goodman:
Modernizing, harmonizing, and improving the
efficacy and accessibility of laws concerning
civil protection orders.
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

February 19, 2021

HB 1399 Prime Sponsor, Representative Vick:
Reducing barriers to professional licensure
for individuals with previous criminal
convictions. Reported by Committee on
Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair;

Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 22, 2021

HB 1443 Prime Sponsor, Representative Morgan:
Concerning social equity within the
cannabis industry. Reported by Committee
on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Gaming be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Boehnke; Dye; Hoff and Rude.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Harris; Jacobsen; Schmick and Steele.

Referred to Committee on Appropriations.

February 22, 2021

HB 1480 Prime Sponsor, Representative MacEwen:
Extending certain privileges granted to
liquor licensees to mitigate the impact of
the coronavirus pandemic. Reported by
Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Gaming. Signed by Representatives Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Schmick; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Harris; Ryu and Senn.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Without recommendation. Signed by Representative Ormsby, Chair.

February 15, 2021

Referred to Committee on Appropriations.

February 12, 2021

HB 1483 Prime Sponsor, Representative Chambers: Concerning workforce development in the beverage alcohol industry. Reported by Committee on Commerce & Gaming

HB 1257 Prime Sponsor, Representative Orcutt: Prohibiting unjustified employer searches of employee personal vehicles. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Appropriations.

February 19, 2021

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Vick and Wylie.

HB 1295 Prime Sponsor, Representative Callan: Providing public education to youth in or released from institutional education facilities. Reported by Committee on Appropriations

MINORITY recommendation: Without recommendation. Signed by Representative Morgan.

Referred to Committee on Rules for second reading.

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

2ND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 15, 2021

HB 1085 Prime Sponsor, Representative Kloba: Promoting a safe learning environment for students with seizure disorders. Reported by Committee on Education

Referred to Committee on Appropriations.

February 15, 2021

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

HB 1298 Prime Sponsor, Representative Vick: Concerning regulation of accessory dwelling units located outside of urban growth areas. Reported by Committee on Local Government

February 15, 2021

HB 1232 Prime Sponsor, Representative Barkis: Planning for affordable housing under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

February 15, 2021

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

HB 1304 Prime Sponsor, Representative Hackney: Concerning grade-separated transportation. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1315 Prime Sponsor, Representative Mosbrucker: Creating a task force to identify the role of the workplace in helping curb domestic violence. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1329 Prime Sponsor, Representative Wicks: Concerning public meeting accessibility and participation. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1354 Prime Sponsor, Representative Mosbrucker: Concerning suicide review teams. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill

do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 19, 2021

HB 1365 Prime Sponsor, Representative Gregerson: Procuring and supporting appropriate computers and devices for public school students and instructional staff. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Dye; Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris; Jacobsen; Rude and Steele.

Referred to Committee on Appropriations.

February 15, 2021

HB 1404 Prime Sponsor, Representative Vick: Concerning programs for highly capable students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representative Santos, Chair.

Referred to Committee on Appropriations.

February 15, 2021

HB 1413 Prime Sponsor, Representative Hackney: Scoring of prior juvenile offenses in sentencing range calculations. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member and Graham.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey and Young.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1424 Prime Sponsor, Representative Walen: Concerning consumer protection with respect to the sale of dogs and cats. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1426 Prime Sponsor, Representative Santos: Specifying minimum continuing education requirements for administrator and teacher certificate renewals that focus on equity-based school and classroom practices. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; Ortiz-Self; Steele and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; McCaslin; McEntire and Rude.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1446 Prime Sponsor, Representative Fey: Prohibiting a utility from being assessed a penalty for not meeting its biennial acquisition target for cost-effective conservation in special circumstances outside the utility's control. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke; Fey; Goehner; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representative Berry.

MINORITY recommendation: Without recommendation. Signed by Representative Harris-Talley.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1451 Prime Sponsor, Representative Sullivan: Concerning the entitlement date and definition for the early childhood education and assistance program. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Eslick; Goodman; Ortiz-Self; Wicks and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Klippert.

MINORITY recommendation: Without recommendation. Signed by Representative Dent, Ranking Minority Member.

Referred to Committee on Appropriations.

February 15, 2021

HB 1455 Prime Sponsor, Representative Mosbrucker: Concerning the use of social security numbers by the department of

labor and industries and the employment security department. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 15, 2021

HB 1474 Prime Sponsor, Representative Chopp: Strengthening penalty and audit tools for employer violations in unemployment insurance. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1484 Prime Sponsor, Representative Dolan: Concerning the statewide first responder building mapping information system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

February 15, 2021

HB 1499 Prime Sponsor, Representative Davis: Providing behavioral health system responses to individuals with substance use

disorder. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Orwall; Ramos and Simmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham and Lovick.

Referred to Committee on Appropriations.

February 19, 2021

HB 1504 Prime Sponsor, Representative Chopp: Modifying the workforce education investment act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff and Jacobsen.

Referred to Committee on Appropriations.

February 15, 2021

HB 1515 Prime Sponsor, Representative Peterson: Concerning security deposit waiver fees. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports and 1st supplemental and 2nd supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 16, 2021, the 37th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 16, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1537 by Representatives Ramel, Harris-Talley, Berry and Macri

AN ACT Relating to terminating certain tax preferences for fossil fuel products; amending RCW 82.12.022, 82.12.022, 82.14.230, and 82.23A.030; amending 2017 3rd sp.s. c 37 s 1407 (uncodified); creating a new section; repealing RCW 82.08.910; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Finance.

HB 1538 by Representatives Dent, Orwall, Boehnke, Sutherland, Ryu, Jacobsen, Wicks, Eslick, Lovick, Hoff, Chambers, Chandler and Slatter

AN ACT Relating to establishing an aviation and aerospace advisory committee; and creating a new section.

Referred to Committee on Community & Economic Development.

HB 1539 by Representative Frame

AN ACT Relating to narrowing the business and occupation tax deduction, and sales and use tax credit and refund, for bad debts available to sellers; amending RCW 82.04.4284, 82.08.037, and 82.12.037; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 1540 by Representatives Abbarno, Boehnke, Barkis, Walsh, Ybarra, Klicker and Chambers

AN ACT Relating to addressing illicit discharges of wastewater pollution associated with individuals residing in vehicles; amending RCW 90.48.144, 36.89.080, 35.67.020, and 90.48.120; adding new sections to chapter 90.48 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1541 by Representatives Stokesbary, Dufault, Walsh, Jacobsen, Eslick and Robertson

AN ACT Relating to authorizing local option revenue for homelessness services, subject to specified conditions, including prohibiting supervised injection sites and requiring local restrictions on camping on public property; adding new sections to chapter 82.14 RCW; providing an effective date; and declaring an emergency.

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 adjourned until 9:55 a.m., February 17, 2021, the 38th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 17, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

February 15, 2021

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1095,
HOUSE BILL NO. 1367,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 16, 2021

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5017,
SUBSTITUTE SENATE BILL NO. 5080,
SENATE BILL NO. 5106,
SENATE BILL NO. 5177,
SUBSTITUTE SENATE BILL NO. 5185,
SENATE BILL NO. 5201,
SUBSTITUTE SENATE BILL NO. 5236,
SENATE BILL NO. 5312,
SENATE BILL NO. 5338,
SENATE BILL NO. 5347,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 16, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1121,
ENGROSSED HOUSE BILL NO. 1131,

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

HB 1542 by Representatives Hackney, Bergquist, Santos, Simmons, J. Johnson, Valdez and Pollet

AN ACT Relating to jury demographics; adding a new section to chapter 2.36 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

February 16, 2021

HB 1477 Prime Sponsor, Representative Orwall: Implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Chase; Springer; Stokesbary and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Vick.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's committee report under the fifth order of business was referred to the committee so designated.

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

MOTION

With the consent of the House, HOUSE BILL NO. 1071 was referred to the Committee on Rules.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED HOUSE BILL NO. 1121

ENGROSSED HOUSE BILL NO. 1131

There being no objection, the House adjourned until 9:55 a.m., February 18, 2021, the 39th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY NINTH DAY

House Chamber, Olympia, Thursday, February 18, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1543 by Representatives Kirby and Ryu

AN ACT Relating to the adoption of the consumer product theft and safety protection act; adding a new chapter to Title 19 RCW; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

HB 1544 by Representatives Klippert, Steele, Dufault, J. Johnson and Dent

AN ACT Relating to supporting effective agriculture, food, and natural resource education; amending RCW 28A.300.080 and 28A.300.090; and adding new sections to chapter 28A.300 RCW.

Referred to Committee on Education.

SB 5017 by Senators Wellman, Honeyford, Mullet, Wilson and C.

AN ACT Relating to clarifying school district procurement requirements for personal service contracts for construction management, value engineering, constructibility review, and building commissioning; amending RCW 28A.335.190; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

SSB 5080 by Senate Committee on Ways & Means (originally sponsored by Carlyle, Frockt, Hunt, Saldaña, Wellman, Wilson and C.)

AN ACT Relating to providing flexibility in the distribution and use of local funds dedicated to facilities used for youth educational programming; and amending RCW 82.32.559 and 82.14.050.

Referred to Committee on Appropriations.

SB 5106 by Senators Liias, Rivers, Wilson and C.

AN ACT Relating to municipal access to local financial services; and repealing RCW 39.58.240.

Referred to Committee on Consumer Protection & Business.

SB 5177 by Senators Cleveland, Dhingra, Das, Hunt, Nguyen, Pedersen, Wilson and C.

AN ACT Relating to eliminating proof of nonmarriage as an element of a sex offense; amending RCW 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, 9A.44.093, 9A.44.096, and 9A.44.100; and declaring an emergency.

Referred to Committee on Public Safety.

SSB 5185 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wilson and C.)

AN ACT Relating to capacity to provide informed consent for health care decisions; amending RCW 7.70.065, 7.70.050, 7.70.060, 69.50.317, and 70.02.220; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

SB 5201 by Senators Van De Wege and Das

AN ACT Related to department of natural resources' timber and land sales; amending RCW 79.15.070, 79.15.080, and 79.15.150; and reenacting and amending RCW 79.11.130.

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

SSB 5236 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Warnick, Dhingra, Nguyen and Wagoner)

AN ACT Relating to extending the exemption from certificate of need requirements for the expansion of psychiatric bed capacity; and amending RCW 70.38.111 and 70.38.260.

Referred to Committee on Health Care & Wellness.

SB 5312 by Senators Mullet, Liias and Van De Wege

AN ACT Relating to facilitating transit-oriented development and increasing housing inventory; and amending RCW 36.70A.500.

Referred to Committee on Environment & Energy.

SB 5338 by Senators Wilson, L., Randall and Rivers

AN ACT Relating to fire protection districts and education; and amending RCW 52.02.020.

Referred to Committee on Local Government.

SB 5347 by Senators Padden and Pedersen

AN ACT Relating to member voting methods; and amending RCW 23.86.115.

Referred to Committee on Civil Rights & Judiciary.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

February 17, 2021

HB 1103 Prime Sponsor, Representative Duerr: Improving environmental and social outcomes with the production of building materials. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Bateman; Kloba; Leavitt; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Dye; Eslick; Gilday; Kraft; MacEwen; Mosbrucker and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative Maycumber.

Referred to Committee on Appropriations.

February 17, 2021

HB 1460 Prime Sponsor, Representative Gregerson: Closing the digital divide by establishing excise taxes on telecommunications services to fund the expansion of the universal service programs in Washington. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary and Vick.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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:

HOUSE BILL NO. 1096
HOUSE BILL NO. 1251

There being no objection, the House adjourned until 9:55 a.m., February 19, 2021, the 40th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTIETH DAY

House Chamber, Olympia, Friday, February 19, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

February 22, 2021

HB 1015 Prime Sponsor, Representative Maycumber: Creating the Washington equitable access to credit act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Finance be substituted therefor and the second substitute bill do pass. Signed by Representatives Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Rude; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Ormsby, Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Pollet and Steele.

Referred to Committee on Appropriations.

February 17, 2021

HB 1023 Prime Sponsor, Representative Steele: Concerning predesign requirements and thresholds. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1028 Prime Sponsor, Representative Bergquist: Concerning evaluation and recommendation of candidates for residency teacher certification. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1044 Prime Sponsor, Representative Leavitt: Creating prison to postsecondary education pathways. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Chandler.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1075 Prime Sponsor, Representative Berry: Reducing emissions from vehicles associated with on-demand transportation services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1168 Prime Sponsor, Representative Springer: Concerning long-term forest health and the reduction of wildfire dangers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture & Natural Resources. Signed by Representatives Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Ormsby, Chair; Dye; Frame and Schmick.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1169 Prime Sponsor, Representative Goodman: Concerning sentencing enhancements. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Dye and Hoff.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1194 Prime Sponsor, Representative Ortiz-Self: Strengthening parent-child visitation during child welfare proceedings. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1227 Prime Sponsor, Representative Ortiz-Self: Protecting the rights of families responding to allegations of abuse or neglect of a child. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by

Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member and Caldier.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1370 Prime Sponsor, Representative Callan: Concerning grants for early learning facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives McEntire, Assistant Ranking Minority Member and Kraft.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1386 Prime Sponsor, Representative Wicks: Modifying the property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Chase and Vick.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member and Stokesbary.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1438 Prime Sponsor, Representative Orcutt: Expanding eligibility for property tax exemptions for service-connected disabled veterans and senior citizens by modifying income thresholds for eligibility to allow deductions for common health care-related expenses. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Finance be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Fitzgibbon.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

With the consent of the House, HOUSE BILL NO. 1503 is referred to the committee on Transportation.

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

MOTIONS

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1214 and HOUSE BILL NO. 1250 and the bills were referred to the Committee on Rules.

There being no objection, the Committee on Health Care & Wellness was relieved of SUBSTITUTE SENATE BILL NO. 5185, and the bill was referred to the Committee on Civil Rights & Judiciary.

There being no objection, the House adjourned until 9:55 a.m., February 22, 2021, the 43rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY THIRD DAY

House Chamber, Olympia, Monday, February 22, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1545 by Representatives Kirby, Vick and Pollet

AN ACT Relating to insurance regulation; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

February 19, 2021

HB 1030 Prime Sponsor, Representative Dent: Concerning a community aviation revitalization loan program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1033 Prime Sponsor, Representative Leavitt: Concerning the Washington customized employment training program. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 16, 2021

HB 1061 Prime Sponsor, Representative Senn: Concerning youth eligible for developmental disability services who are expected to exit the child welfare system. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1140 Prime Sponsor, Representative Johnson, J.: Concerning juvenile access to attorneys when contacted by law enforcement. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Civil Rights & Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Harris; Jacobsen; Rude and Steele.

MINORITY recommendation: Do not pass. Signed by Representatives Boehnke; Chandler; Dye; Hoff and Schmick.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1155 Prime Sponsor, Representative Riccelli: Concerning sales and use tax for emergency communication systems and facilities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary and Vick.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1160 Prime Sponsor, Representative Cody: Concerning health provider contracts. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Bergquist, Vice Chair; Harris and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1170 Prime Sponsor, Representative Boehnke: Building economic strength through manufacturing. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Community & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1173 Prime Sponsor, Representative Berry: Concerning state lands development authorities. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Bateman; Kloba; Leavitt; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives McEntire, Assistant Ranking Minority Member; Dye; Eslick; Gilday; Kraft; MacEwen; Maycumber; Mosbrucker and Volz.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1189 Prime Sponsor, Representative Duerr: Authorizing tax increment financing for local governments. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member and Chase.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1213 Prime Sponsor, Representative Senn: Expanding accessible, affordable child care and early childhood development programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Jacobsen and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Rude.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1219 Prime Sponsor, Representative Frame: Concerning the appointment of counsel for youth in dependency court proceedings. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives

Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member MacEwen, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1225 Prime Sponsor, Representative Stonier: Concerning school-based health centers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Chandler and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Hoff; Jacobsen and Steele.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1259 Prime Sponsor, Representative Santos: Expanding public contracting opportunities for women and minority business enterprises by increasing the regulatory oversight and accountability of the office of minority and women's business enterprises. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Caldier; Chandler; Dye; Hoff; Jacobsen and Rude.

MINORITY recommendation: Do not pass. Signed by Representative Schmick.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1263 Prime Sponsor, Representative Abbarno: Concerning rural infrastructure. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; MacEwen; Maycumber; Mosbrucker; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Kraft; Leavitt and Peterson.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1280 Prime Sponsor, Representative Ramel: Concerning greenhouse gas emissions reductions in the design of public facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Bateman; Kloba; Leavitt; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Dye; Eslick; Gilday; Kraft; MacEwen; Maycumber; Mosbrucker and Volz.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1287 Prime Sponsor, Representative Ramel: Concerning preparedness for a zero emissions transportation future. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice

Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Duerr; Entenman; Hackney; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Griffey; McCaslin; Orcutt; Sutherland and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner and Klicker.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1325 Prime Sponsor, Representative Callan: Implementing policies related to children and youth behavioral health. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Harris and Jacobsen.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1330 Prime Sponsor, Representative Shewmake: Providing a retail sales and use tax exemption for the purchase of electric bicycles and related cycling equipment. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Orcutt, Ranking Minority Member; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member; Chase; Stokesbary; Vick and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Walen, Vice Chair.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1332 Prime Sponsor, Representative Sullivan: Concerning property tax deferral during the COVID-19 pandemic. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1333 Prime Sponsor, Representative Tharinger: Providing an extension to the local sales and use tax for public facilities in rural counties. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1372 Prime Sponsor, Representative Lekanoff: Replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris;

Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Boehnke and Rude.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1380 Prime Sponsor, Representative Dufault: Restoring the business and occupation and public utility tax exemption for custom farming and hauling farm products. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1391 Prime Sponsor, Representative Goehner: Concerning prime contractor bidding submission requirements on public works contracts. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1430 Prime Sponsor, Representative Kloba: Concerning the duration of state upland leases for lands managed by the department of natural resources. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1495 Prime Sponsor, Representative Chapman: Providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1512 Prime Sponsor, Representative Ryu: Concerning lodging-related assessments under chapter 35.87A RCW. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1521 Prime Sponsor, Representative Entenman: Supporting warehousing and manufacturing job centers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

**1st SUPPLEMENTAL
REPORTS OF STANDING COMMITTEES**

February 22, 2021

HB 1015 Prime Sponsor, Representative Maycumber: Creating the Washington equitable access to credit act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Finance be substituted therefor and the second substitute bill do pass. Signed by Representatives Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Rude; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Ormsby, Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Pollet and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1073 Prime Sponsor, Representative Berry: Expanding coverage of the paid family and medical leave program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1076 Prime Sponsor, Representative Hansen: Allowing whistleblowers to bring actions on behalf of the state for violations of

workplace protections. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick; Springer; Steele and Tharinger.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1086 Prime Sponsor, Representative Simmons: Creating the state office of behavioral health consumer advocacy. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1091 Prime Sponsor, Representative Fitzgibbon: Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel. Reported by Committee on Transportation

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass and do not pass the substitute bill by Committee on Appropriations. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Duerr; Entenman; Hackney; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; McCaslin; Orcutt and Sutherland.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1097 Prime Sponsor, Representative Sells: Increasing worker protections. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1099 Prime Sponsor, Representative Duerr: Improving the state's climate response through updates to the state's comprehensive planning framework. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1117 Prime Sponsor, Representative Lekanoff: Promoting salmon recovery through revisions to the state's comprehensive planning framework. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1127 Prime Sponsor, Representative Slatter: Protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member and Chandler.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1137 Prime Sponsor, Representative McCaslin: Elevating road maintenance and preservation in transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Riccelli; Slatter; Sutherland; Taylor; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Berry; Ramel and Valdez.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1139 Prime Sponsor, Representative Pollet: Taking action to address lead in drinking water. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Boehnke; Dye; Hoff and Schmick.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1152 Prime Sponsor, Representative Riccelli: Supporting measures to create comprehensive public health districts. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice

Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Dye; Hoff; Jacobsen; Rude and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Boehnke and Schmick.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1156 Prime Sponsor, Representative Harris-Talley: Increasing representation and voter participation in local elections. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Chandler; Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1161 Prime Sponsor, Representative Peterson: Modifying the requirements for drug take-back programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member;

MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1167 Prime Sponsor, Representative Bateman: Concerning Thurston county superior court judges. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Boehnke; Harris and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1183 Prime Sponsor, Representative Caldier: Creating the home sharing support grant program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1202 Prime Sponsor, Representative Thai: Addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive and declaratory

relief. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1203 Prime Sponsor, Representative Johnson, J.: Concerning community oversight boards. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris; Rude and Tharinger.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1204 Prime Sponsor, Representative Macri: Concerning the electrification of transportation. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Duerr; Entenman; Hackney;

Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member Volz, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; McCaslin; Orcutt; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1207 Prime Sponsor, Representative Ramel: Improving access to department of licensing issued documents by extending the issuance period of driver licenses and identicards to eight years, allowing online issuance and renewal of instruction permits, and expanding online renewal of driver licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Hackney; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Griffey; McCaslin; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1208 Prime Sponsor, Representative Santos: Modifying the learning assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen;

Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick;
Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

February 22, 2021

Referred to Committee on Rules for second reading.

February 17, 2021

HB 1216 Prime Sponsor, Representative Ramos:
Concerning urban and community forestry.
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture & Natural Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1220 Prime Sponsor, Representative Peterson:
Supporting emergency shelters and housing through local planning and development regulations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Dye; Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris; Jacobsen; Rude and Steele.

Referred to Committee on Rules for second reading.

HB 1223

Prime Sponsor, Representative Peterson:
Enacting the uniform electronic recordation of custodial interrogations act.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Duerr; Entenman; Hackney; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; McCaslin; Orcutt and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Chapman and Sutherland.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1231

Prime Sponsor, Representative Young:
Requiring certain traffic lane merge education and testing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1255

Prime Sponsor, Representative Orcutt:
Concerning motorcycle steering equipment requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Chapman; Dent; Duerr; Goehner;

Griffey; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Sutherland; Taylor; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Berry and Hackney.

MINORITY recommendation: Do not pass. Signed by Representatives Entenman; Slatter and Valdez.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1258 Prime Sponsor, Representative Frame: Concerning the operation, authorization, and permitting of microenterprise home kitchens. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Caldier and Cody.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1267 Prime Sponsor, Representative Entenman: Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Caldier and Harris.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1272 Prime Sponsor, Representative Macri: Concerning health system transparency. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on . Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1274 Prime Sponsor, Representative Hackney: Concerning cloud computing solutions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1284 Prime Sponsor, Representative Shewmake:
Addressing voter-approved fuel tax rates in
border area jurisdictions. Reported by
Committee on Transportation

MAJORITY recommendation: Do pass. Signed by
Representatives Fey, Chair; Wylie, 1st Vice Chair;
Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair;
Berry; Chapman; Duerr; Entenman; Hackney; Lovick;
Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by
Representatives Barkis, Ranking Minority Member;
Eslick, Assistant Ranking Minority Member; Robertson,
Assistant Ranking Minority Member; Volz, Assistant
Ranking Minority Member; Dent; Goehner; Griffey;
Klicker; McCaslin; Orcutt; Paul; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1295 Prime Sponsor, Representative Callan:
Providing public education to youth in or
released from institutional education
facilities. Reported by Committee on
Appropriations

MAJORITY recommendation: The second substitute
bill be substituted therefor and the second substitute bill
do pass and do not pass the substitute bill by Committee
on Education. Signed by Representatives Ormsby,
Chair; Bergquist, Vice Chair; Gregerson, Vice Chair;
Macri, Vice Chair; Stokesbary, Ranking Minority
Member; Chambers, Assistant Ranking Minority
Member; Corry, Assistant Ranking Minority Member;
MacEwen, Assistant Ranking Minority Member;
Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye;
Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen;
Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick;
Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1297 Prime Sponsor, Representative Thai:
Concerning working families tax
exemption. Reported by Committee on
Appropriations

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Ormsby, Chair; Bergquist,
Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair;
Stokesbary, Ranking Minority Member; Chambers,
Assistant Ranking Minority Member; Corry, Assistant
Ranking Minority Member; MacEwen, Assistant
Ranking Minority Member; Boehnke; Caldier;
Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame;
Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet;
Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without
recommendation. Signed by Representatives Dye; Hoff;
Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1301 Prime Sponsor, Representative Fitzgibbon:
Providing expanded options for fare
enforcement by regional transit authorities.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Fey, Chair; Wylie, 1st Vice
Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice
Chair; Barkis, Ranking Minority Member; Eslick,
Assistant Ranking Minority Member; Robertson,
Assistant Ranking Minority Member; Volz, Assistant
Ranking Minority Member; Berry; Chapman; Dent;
Duerr; Entenman; Goehner; Griffey; Hackney; Klicker;
Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli;
Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1310 Prime Sponsor, Representative Johnson, J.:
Concerning permissible uses of force by
law enforcement and correctional officers.
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute
bill be substituted therefor and the second substitute bill
do pass and do not pass the substitute bill by Committee
on Public Safety. Signed by Representatives Ormsby,
Chair; Bergquist, Vice Chair; Gregerson, Vice Chair;
Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon;
Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu;
Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by
Representatives MacEwen, Assistant Ranking Minority
Member; Boehnke; Caldier; Chandler; Dye; Harris;
Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without
recommendation. Signed by Representatives
Stokesbary, Ranking Minority Member; Chambers,
Assistant Ranking Minority Member Corry, Assistant
Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1320 Prime Sponsor, Representative Goodman:
Modernizing, harmonizing, and improving
the efficacy and accessibility of laws

concerning civil protection orders.
Reported by Committee on Appropriations

Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick;
Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 18, 2021

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

HB 1348 Prime Sponsor, Representative Davis: Providing medical assistance to incarcerated persons. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1322 Prime Sponsor, Representative Wylie: Addressing off-road vehicle and snowmobile registration enforcement. Reported by Committee on Transportation

Referred to Committee on Rules for second reading.

February 22, 2021

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

HB 1354 Prime Sponsor, Representative Mosbrucker: Concerning suicide review teams. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1335 Prime Sponsor, Representative Valdez: Concerning review and property owner notification of recorded documents with unlawful racial restrictions. Reported by Committee on Appropriations

Referred to Committee on Rules for second reading.

February 18, 2021

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen;

HB 1355 Prime Sponsor, Representative Dent: Concerning noxious weeds. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Rural Development, Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives

Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 18, 2021

HB 1357 Prime Sponsor, Representative Mosbrucker: Concerning voters' pamphlets for overseas and service voters. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1359 Prime Sponsor, Representative Stonier: Reducing liquor license fees temporarily. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Gaming. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1365 Prime Sponsor, Representative Gregerson: Procuring and supporting appropriate computers and devices for public school

students and instructional staff. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Dye; Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Harris; Jacobsen; Rude and Steele.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1379 Prime Sponsor, Representative Lovick: Establishing an unpiloted aircraft system state coordinator and program funding source. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Assistant Ranking Minority Member; McCaslin and Walsh.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1382 Prime Sponsor, Representative Tharinger: Streamlining the environmental permitting process for salmon recovery projects. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture & Natural

Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Dye; Hoff; Jacobsen and Schmick.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1399 Prime Sponsor, Representative Vick: Reducing barriers to professional licensure for individuals with previous criminal convictions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1410 Prime Sponsor, Representative Volz: Protecting taxpayers from home foreclosure. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Wylie.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1412 Prime Sponsor, Representative Simmons: Concerning legal financial obligations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Dye; Harris; Hoff; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1418 Prime Sponsor, Representative Leavitt: Enhancing rail safety governance by expanding the role of the utilities and transportation commission. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Duerr; Entenman; Griffey; Hackney; Lovick; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Chapman; Dent; Goehner; Klicker; McCaslin; Orcutt and Sutherland.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1438 Prime Sponsor, Representative Orcutt: Expanding eligibility for property tax exemptions for service-connected disabled veterans and senior citizens by modifying income thresholds for eligibility to allow deductions for common health care-related expenses. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Finance be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Fitzgibbon.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1443 Prime Sponsor, Representative Morgan: Concerning social equity within the cannabis industry. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Gaming be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Boehnke; Dye; Hoff and Rude.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Harris; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1457 Prime Sponsor, Representative Wylie: Facilitating the installation of broadband facilities on limited access highways. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant

Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1460 Prime Sponsor, Representative Gregerson: Closing the digital divide by establishing excise taxes on telecommunications services to fund the expansion of the universal service programs in Washington. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Finance. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Rude.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1476 Prime Sponsor, Representative Dolan: Addressing enrollment declines due to the COVID-19 pandemic. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Dye.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1477 Prime Sponsor, Representative Orwall: Implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Finance. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Boehnke; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Dye and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Hoff; Jacobsen and Rude.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1480 Prime Sponsor, Representative MacEwen: Extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Gaming. Signed by Representatives Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Schmick; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Harris; Ryu and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative Ormsby, Chair.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1484 Prime Sponsor, Representative Dolan: Concerning the statewide first responder building mapping information system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1502 Prime Sponsor, Representative Wylie: Concerning the procurement and design of electric ferries by counties. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 19, 2021

HB 1504 Prime Sponsor, Representative Chopp: Modifying the workforce education investment act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff and Jacobsen.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1510 Prime Sponsor, Representative Hackney: Establishing an exemption from certain highway use requirements by nonemergency medical transportation vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1514 Prime Sponsor, Representative Taylor: Addressing transportation demand management. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Duerr; Entenman; Griffey; Hackney; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; Goehner; McCaslin and Walsh.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1523 Prime Sponsor, Representative Wylie: Concerning renewal of the sales and use tax for transportation benefit districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent and Paul.

MINORITY recommendation: Do not pass. Signed by Representatives McCaslin; Orcutt and Walsh.

Referred to Committee on Rules for second reading.

February 22, 2021

HB 1529 Prime Sponsor, Representative Barkis: Modifying requirements in order to pay for debt service obligations when toll revenues are not sufficient to cover legal obligations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Lovick; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 19, 2021

ESSB 5272 Prime Sponsor, Committee on Ways & Means: Concerning temporarily waiving certain liquor and cannabis board annual licensing fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris;

Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports and 1st supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:00 a.m., February 23, 2021, the 44th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 23, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Kelly Chambers, 25th Legislative District.

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

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

INTRODUCTION & FIRST READING

HB 1546 by Representatives Eslick, Barkis, Dent, Boehnke, Sutherland, Klicker and Robertson

AN ACT Relating to allowable uses for the multiuse roadway safety account; and amending RCW 46.09.540.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING

HOUSE BILL NO. 1050, by Representatives Fitzgibbon, Ortiz-Self, Leavitt, Duerr, Chopp, Ramel, Peterson, Goodman, Ryu, Callan, Ramos, Ormsby, Pollet, Stonier, Fey, Macri and Bergquist

Reducing greenhouse gas emissions from fluorinated gases.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1050 was substituted for House Bill No. 1050 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1050 was read the second time.

Representative MacEwen moved the adoption of amendment (062):

On page 2, after line 24, insert the following:

"(3) Furthermore, it is the intent of the Legislature that the ice rink used by Seattle's newest hockey franchise, the Seattle Kraken, should be as cold as possible, but also should be refrigerated using climate-friendly refrigerants, so that on opening night of the 2021-2022 National Hockey League season, as many fans as possible can simultaneously yell the Pacific Northwest's favorite new phrase: 'Release the Kraken!'"

Representatives MacEwen and Sullivan spoke in favor of the adoption of the amendment.

Amendment (062) was adopted.

Representative Fitzgibbon moved the adoption of amendment (063):

On page 23, beginning on line 12, after "(f)" strike all material through "750" on line 17 and insert "In addition to the requirements of RCW 19.280.030(3), in assessing the cost-effective conservation required under this section, a qualifying utility is encouraged to promote the adoption of air conditioning, as defined in section 2 of this act, with refrigerants not exceeding a global warming potential of 750 and the replacement of stationary refrigeration systems that contain ozone-depleting substances or hydrofluorocarbon refrigerants with a high global warming potential"

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

Amendment (063) was adopted.

The bill was ordered engrossed.

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

Representatives Fitzgibbon, Ramel and Peterson spoke in favor of the passage of the bill.

Representatives Dye, Walsh, Boehnke, Walsh (again), Ybarra, Klicker, Dent and Chase spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives Chandler and Corry were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1050.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1050, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

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

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

Excused: Representatives Chandler and Corry.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1050, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1090, by Representatives Ortiz-Self, Fey, Fitzgibbon, J. Johnson, Ramos, Tharinger, Simmons, Ramel, Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Young, Hackney, Chopp, Lovick, Ormsby, Stonier, Frame, Santos, Macri, Orwall, Davis, Pollet and Harris-Talley

Concerning private, for-profit detention facilities.

The bill was read the second time.

Representative Mosbrucker moved the adoption of amendment (103):

On page 2, line 38, after "with a" strike "federal, state," and insert "state"

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

Representative Goodman spoke against the adoption of the amendment.

Amendment (103) was not adopted.

Representative Ortiz-Self moved the adoption of amendment (032):

On page 3, line 19, after "subject to" strike "chapter 13.04" and insert "Title 13"

Representatives Ortiz-Self and Mosbrucker spoke in favor of the adoption of the amendment.

Amendment (032) was adopted.

Representative Graham moved the adoption of amendment (098):

On page 3, line 33, after "4013;" strike "or"

On page 3, line 35, after "government" insert "; or

"(i) A facility where the COVID-19 infection rate of its residents in 2020 was less than 25 percent of the average COVID-19 infection rate of residents in correctional facilities operated by state and local governments in 2020"

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

Representative Ortiz-Self spoke against the adoption of the amendment.

Amendment (098) was not adopted.

Representative Klippert moved the adoption of amendment (101):

On page 3, line 33, after "4013;" strike "or"

On page 3, line 35, after "government" insert "; or

"(i) A facility in which health care services are provided by the federal government"

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

Representative Goodman spoke against the adoption of the amendment.

Amendment (101) was not adopted.

Representative Klippert moved the adoption of amendment (100):

On page 4, beginning on line 1, strike all of section 5

Re-number the remaining sections consecutively and correct any internal references accordingly. Correct the title.

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

Representative Goodman spoke against the adoption of the amendment.

Amendment (100) was not adopted.

The bill was ordered engrossed.

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

Representatives Ortiz-Self, Mosbrucker, Sutherland and Fey spoke in favor of the passage of the bill.

Representative Robertson 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 House Bill No. 1090.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1090, and the bill passed the House by the following vote: Yeas, 76; Nays, 21; Absent, 0; Excused, 1.

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

Voting nay: Representatives Abbarno, Boehnke, Chase, Corry, Dent, Dufault, Dye, Hoff, Jacobsen, Klippert, Kraft, McCaslin, McEntire, Orcutt, Robertson, Schmick, Stokesbary, Vick, Walsh, Wilcox and Ybarra.

Excused: Representative Chandler.

ENGROSSED HOUSE BILL NO. 1090, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1276, by Representatives Bronoske, Lovick, Fitzgibbon, Cody, Hackney, Fey, Macri, Leavitt, Ormsby, Harris-Talley and Stonier

Providing for certain emergency medical services personnel to work in diversion centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1276 was substituted for House Bill No. 1276 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1276 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 Bronoske and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1276.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1276, 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, 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.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1276, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1302, by Representatives Berg, Ybarra, J. Johnson, Sutherland, Eslick, Morgan, Bergquist, Paul and Callan

Concerning college in the high school programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1302 was substituted for House Bill No. 1302 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1302 was read the second time.

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

Representatives Berg, Ybarra and Paul spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1302.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1302, 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, 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.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1302, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1221, by Representatives Rule, Bateman, Shewmake, Lekanoff, Senn, Santos, Thai, Ortiz-Self, Ormsby, Callan, Ramel, Riccelli and Macri

Standardizing homelessness definitions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1221 was substituted for House Bill No. 1221 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1221 was read the second time.

Representative Dent moved the adoption of amendment (069):

On page 2, line 28, after "2021" insert ", unless the sole basis of determining that a child is homeless is that he or she is living in a trailer park"

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

Representative Senn spoke against the adoption of the amendment.

Amendment (069) was not adopted.

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

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1221.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1221, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klippert, 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, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

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

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

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1221, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1378, by Representatives Ybarra, Cody and Dolan

Concerning the supervision of medical assistants.

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 Ybarra, Cody, Riccelli and Dent spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Kloba was excused

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1378.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1378, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, 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, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chandler and Kloba.

HOUSE BILL NO. 1378, having received the necessary constitutional majority, was declared passed.

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

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

MESSAGES FROM THE SENATE

February 18, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED HOUSE BILL NO. 1121,
ENGROSSED HOUSE BILL NO. 1131,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 17, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5140,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

February 17, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5229,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

February 18, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5055,
SUBSTITUTE SENATE BILL NO. 5181,
SUBSTITUTE SENATE BILL NO. 5273,
SENATE BILL NO. 5341,
SUBSTITUTE SENATE BILL NO. 5423,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 19, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5284,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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:

- HOUSE BILL NO. 1022
- HOUSE BILL NO. 1023
- HOUSE BILL NO. 1028
- HOUSE BILL NO. 1030
- HOUSE BILL NO. 1041
- HOUSE BILL NO. 1044
- HOUSE BILL NO. 1069
- HOUSE BILL NO. 1070
- HOUSE BILL NO. 1083
- HOUSE BILL NO. 1091
- HOUSE BILL NO. 1104
- HOUSE BILL NO. 1107
- HOUSE BILL NO. 1148
- HOUSE BILL NO. 1155
- HOUSE BILL NO. 1162
- HOUSE BILL NO. 1170
- HOUSE BILL NO. 1173
- HOUSE BILL NO. 1184
- HOUSE BILL NO. 1189
- HOUSE BILL NO. 1194
- HOUSE BILL NO. 1213
- HOUSE BILL NO. 1225
- HOUSE BILL NO. 1232
- HOUSE BILL NO. 1250
- HOUSE BILL NO. 1259
- HOUSE BILL NO. 1272
- HOUSE BILL NO. 1273
- HOUSE BILL NO. 1289
- HOUSE BILL NO. 1295
- HOUSE BILL NO. 1325
- HOUSE BILL NO. 1326
- HOUSE BILL NO. 1332
- HOUSE BILL NO. 1359
- HOUSE BILL NO. 1363
- HOUSE BILL NO. 1366
- HOUSE BILL NO. 1372
- HOUSE BILL NO. 1391
- HOUSE BILL NO. 1425
- HOUSE BILL NO. 1426
- HOUSE BILL NO. 1455
- HOUSE BILL NO. 1480
- HOUSE BILL NO. 1491
- HOUSE BILL NO. 1492
- HOUSE BILL NO. 1493
- HOUSE BILL NO. 1508

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272

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

SECOND READING

HOUSE BILL NO. 1009, by Representatives Thai, Slatter, Wicks, Ortiz-Self, Kloba, Lekanoff, Bateman, J. Johnson, Ryu, Senn, Gregerson, Valdez, Cody, Riccelli, Frame, Santos, Macri and Pollet

Concerning student health plans.

The bill was read the second time.

Representative Kraft moved the adoption of amendment (067):

On page 1, line 10, after "the" strike "abortion of a pregnancy" and insert "~~((abortion of a pregnancy))~~ ending of the life of a baby"

On page 1, at the beginning of line 19, strike "abortion of a pregnancy" and insert "ending of the life of a baby"

On page 2, at the beginning of line 2, strike "abortion of a pregnancy" and insert "~~((abortion of a pregnancy))~~ ending of the life of a baby"

On page 2, line 3, after "the" strike "abortion of a pregnancy" and insert "~~((abortion of a pregnancy))~~ ending of the life of a baby"

On page 2, line 14, after "the" strike "abortion of a pregnancy" and insert "~~((abortion of a pregnancy))~~ ending of the life of a baby"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (067).

SPEAKER'S RULING

"The title of the bill is an act relating to student health plans.

The amendment makes changes to the description of mandated benefit coverage in all types of health plans, not just student health plans.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Kraft moved the adoption of amendment (068):

On page 1, beginning on line 10, after "pregnancy." strike all material through "pregnancy." on line 19

On page 1, line 21, after "plan" strike "or student health plan"

On page 2, beginning on line 4, after "health" strike "plan or student health"

On page 2, beginning on line 7, after "(ii)" strike all material through "9.02.120" on line 8 and insert "~~((A))~~ Notwithstanding RCW 9.02.110, a health plan is ((not)) only required to cover abortions ((that would be unlawful under RCW 9.02.120)) that are necessary to physically protect the life of the mother"

On page 2, beginning on line 9, after "(3)" strike all material through "(4)" on line 12 and insert "~~((Nothing in this section may be interpreted to limit in any way an individual's constitutionally or statutorily protected right to voluntarily terminate a pregnancy.~~

~~(4))~~"

On page 2, at the beginning of line 15, strike "(5)" and insert "~~((5))~~ (4)"

On page 2, beginning on line 15, after "plan" strike "or student health plan"

On page 2, line 21, after "plan" strike "or student health plan"

On page 2, after line 22, insert the following:

"(5) This section does not apply to a student health plan, including a student health plan deemed by the insurance commissioner to have a short-term limited purpose or duration or to be guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (068).

SPEAKER'S RULING

"The title of the bill is an act relating to student health plans.

The amendment makes changes to mandated benefit coverage in all types of health plans, not just student health plans.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

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

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

Representative Kraft spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Chandler was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1009.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1009, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, 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.

Excused: Representative Chandler.

HOUSE BILL NO. 1009, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1469, by Representatives Wicks, Vick, Robertson, Sutherland and Chambers

Concerning enhanced raffle procedures.

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 Wicks and Vick 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 House Bill No. 1469.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1469, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Caldier, Callan, Chambers, 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, 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: Representatives Bronoske and Leavitt.
Excused: Representative Chandler.

HOUSE BILL NO. 1469, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Sells congratulated Representative Wicks on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1478, by Representatives Shewmake, Ortiz-Self, Fitzgibbon, Rule, Lekanoff and Pollet

Concerning fish habitat enhancement projects authorized pursuant to RCW 77.55.181.

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 Shewmake spoke in favor of the passage of the bill.

Representative 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 House Bill No. 1478.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1478, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, 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.

Excused: Representative Chandler.

HOUSE BILL NO. 1478, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1206, by Representatives Berry, Bronoske, Ramos, Fitzgibbon, Davis, Lovick, Thai, Ortiz-Self, Ormsby, Simmons, Chopp, Callan, Valdez, Macri and Harris-Talley

Protecting temporary workers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1206 was substituted for House Bill No. 1206 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1206 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 Berry 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 House Bill No. 1206.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1206, and the bill passed the House by the following vote: Yeas, 67; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hackney,

Hansen, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Goehner, Graham, Harris, Jacobsen, Klicker, Klippert, Kraft, MacEwen, McCaslin, McEntire, Mosbrucker, Orcutt, Schmick, Steele, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1206, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Frockt, Conway, Das, Dhingra, Keiser, Lovelett, Mullet, Nguyen, Nobles, Randall, Saldaña, Stanford, Wilson, C., Wilson and J.)

Concerning temporarily waiving certain liquor and cannabis board annual licensing fees.

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 Bergquist and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5272.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5272, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

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

Excused: Representative Chandler.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1251, by Representatives Orcutt, Dent, Eslick and Robertson

Concerning the authorization of wheeled all-terrain vehicles on state highways.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (055):

On page 1, line 15, after "has" insert "first consulted with the department of transportation, and then"

Representatives Orcutt and Fey spoke in favor of the adoption of the amendment.

Amendment (055) was adopted.

The bill was ordered engrossed.

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

Representatives Orcutt and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1251.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1251, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, 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, 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 Shewmake.
Excused: Representative Chandler.

ENGROSSED HOUSE BILL NO. 1251, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1193, by Representative Hoff

Affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1193 was substituted for House Bill No. 1193 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1193 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 Hoff and Fitzgibbon 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 House Bill No. 1193.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1193, 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, 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.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1193, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1336, by Representatives Hansen, Ybarra, Berry, Simmons, Ramel, Valdez, Leavitt,

Morgan, Ryu, Peterson, Shewmake, Davis, Ormsby, Gilday, Stonier, Eslick, Pollet and Harris-Talley

Creating and expanding unrestricted authority for public entities to provide telecommunications services to end users.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1336 was substituted for House Bill No. 1336 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1336 was read the second time.

With the consent of the House, amendments (099), (052), (051), (053), (054) and (059) were withdrawn.

Representative Corry moved the adoption of amendment (060):

On page 5, at the beginning of line 1, strike all material through "RCW 43.330.536" on line 16 and insert "(1) Before providing retail telecommunications services, a public utility district is encouraged to examine and report to its governing body the following about the area to be served by the public utility district:

(a) An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end users;

(b) The location of where retail telecommunications services will be provided;

(c) Evidence relating to the unserved or underserved nature of the community in which retail telecommunications services will be provided;

(d) Expected costs of providing retail telecommunications services to customers to be served by the public utility district; and

(e) Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals under RCW 43.330.536.

(2) For purposes of this section, "unserved" means a census block in which no provider has the capacity to deliver internet access service at speeds of a minimum of twenty-five megabits download and three megabits upload."

On page 10, at the beginning of line 8, strike all material through "RCW 43.330.536" on line 23 and insert "(1) Before providing retail telecommunications services, a port district is encouraged to examine and report to its governing body the following about the area to be served by the port district:

(a) An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end users;

(b) The location of where retail telecommunications services will be provided;

(c) Evidence relating to the unserved or underserved nature of the community in which retail telecommunications services will be provided;

(d) Expected costs of providing retail telecommunications services to customers to be served by the port district; and

(e) Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals under RCW 43.330.536.

(2) For purposes of this section, "unserved" means a census block in which no provider has the capacity to deliver internet access service at speeds of a minimum of twenty-five megabits download and three megabits upload."

Representatives Corry and Ryu spoke in favor of the adoption of the amendment.

Amendment (060) was adopted.

Representative Boehnke moved the adoption of amendment (056):

On page 10, beginning on line 24, strike all of section 11

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

Correct the title.

Representatives Boehnke and Ryu spoke in favor of the adoption of the amendment.

Amendment (056) was adopted.

The bill was ordered engrossed.

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

Representatives Hansen, Boehnke, Paul and Kretz spoke in favor of the passage of the bill.

Representatives Ybarra, Dye, Corry, Abbarno and Young 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 House Bill No. 1336.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1336, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

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

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

Excused: Representative Chandler.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1356, by Representatives Lekanoff, Dolan, Davis, Ramos, Fitzgibbon, Callan, Simmons, Lovick, Berg, Ormsby, Bateman, Bergquist, Goodman, Macri, Ramel, Harris-Talley and Pollet

Prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1356 was substituted for House Bill No. 1356 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1356 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 Lekanoff, Ybarra, Boehnke, Volz, McEntire, Dent and Santos spoke in favor of the passage of the bill.

Representatives Klippert, Sutherland and Chase spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1356.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1356, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, 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, 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, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Klippert, McCaslin and Sutherland.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1356, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1323, by Representatives Tharinger, Macri, Simmons, Fitzgibbon, Cody, Hackney, Santos, Ortiz-Self, Lekanoff and Pollet

Concerning the long-term services and supports trust program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1323 was substituted for House Bill No. 1323 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1323 was read the second time.

Representative Corry moved the adoption of amendment (064):

On page 6, beginning on line 14, strike all of section 4

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

Correct the title.

Representative Corry and Corry (again) spoke in favor of the adoption of the amendment.

Representative Tharinger spoke against the adoption of the amendment.

Amendment (064) was not adopted.

Representative Caldier moved the adoption of amendment (066):

On page 7, line 30, after "coverage" strike "((" and insert ", (("

On page 7, line 34, after "~~department)~~" insert "unless the self-employed person demonstrates to the employment security department that continued payment of the premium would create an undue hardship requiring significant difficulty or expense"

Representative Caldier and Caldier (again) spoke in favor of the adoption of the amendment.

Representative Tharinger spoke against the adoption of the amendment.

Amendment (066) was not adopted.

Representative Caldier moved the adoption of amendment (065):

On page 7, line 19, after "chapter" insert "for an initial period of not less than three years and subsequent periods of not less than one year immediately following a period of coverage"

On page 7, beginning on line 29, after "(2)" strike all material through "~~department)~~." on line 34 and insert "(a) A self-employed person who has elected coverage may withdraw from coverage((7)) within 30 days of the end of each period of coverage, or at such other times as the employment security department may adopt by rule, by filing a notice of withdrawal in writing with the employment security department, with the withdrawal to take effect not sooner

than (~~thirty~~) 30 days after filing the notice with the employment security department.

(b) A self-employed person who withdraws from elective coverage under (a) of this subsection is not eligible for benefits under this chapter for a period of 12 months following the effective date of the withdrawal or until the employment security department deems the person to be a qualified individual as provided in RCW 50B.04.050."

On page 7, beginning on line 35, after "(3)" strike all material through "(4)" on page 8, line 3

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

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

Representative Macri spoke against the adoption of the amendment.

Amendment (065) was not adopted.

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

Representative Tharinger 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 Substitute House Bill No. 1323.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1323, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, 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, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen,

Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1323, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1218, by Representatives Bateman, Simmons, Sells, Lekanoff, Peterson, Stonier, Davis, Taylor, Dolan, Orwall, Cody, Santos, Ortiz-Self, Fitzgibbon, Slatter, Bronoske, Callan, Valdez, Ramel, Riccelli, Macri, Goodman and Harris-Talley

Improving health, safety, and quality of life for residents in long-term care facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1218 was substituted for House Bill No. 1218 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1218 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 Bateman and Schmick 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 House Bill No. 1218.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1218, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, 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, 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 Kraft and McCaslin.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1218, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 1323 passed the House.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1323, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1323, on reconsideration, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, 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,

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

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

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1323, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., February 24, 2021, the 45th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY FIFTH DAY

House Chamber, Olympia, Wednesday, February 24, 2021

The House was called to order at 9:00 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 Vicki Kraft, 17th Legislative.

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

February 23, 2021

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5018,
SENATE BILL NO. 5021,
ENGROSSED SENATE BILL NO. 5026,
SUBSTITUTE SENATE BILL NO. 5030,
SUBSTITUTE SENATE BILL NO. 5066,
SENATE BILL NO. 5101,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5115,
SUBSTITUTE SENATE BILL NO. 5127,
SENATE BILL NO. 5131,
SENATE BILL NO. 5146,
SUBSTITUTE SENATE BILL NO. 5179,
SENATE BILL NO. 5225,
SUBSTITUTE SENATE BILL NO. 5271,
SUBSTITUTE SENATE BILL NO. 5292,
SENATE BILL NO. 5296,
SENATE BILL NO. 5300,
SENATE BILL NO. 5303,
SENATE BILL NO. 5322,
SENATE BILL NO. 5354,
ENGROSSED SENATE BILL NO. 5356,
SUBSTITUTE SENATE BILL NO. 5384,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

SECOND READING

HOUSE BILL NO. 1068, by Representatives Dolan, Valdez, Kloba, Gregerson and Wylie

Exempting election security information from public records disclosure.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1068 was substituted for House Bill No. 1068 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1068 was read the second time.

Representative Walsh moved the adoption of amendment (087):

On page 2, beginning on line 35, after "(7)" strike all material through "RCW 29A.12.200" on page 3, line 9 and insert "The computer software source code directly related to the state's election management system's cybersecurity protections or countermeasures"

Representatives Walsh, Boehnke and Volz spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (087) was not adopted.

Representative Graham moved the adoption of amendment (095):

On page 3, after line 9, insert the following:

"(c) The exemptions specified in (a) of this subsection shall expire after 24 months from the date on which a record was created."

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

Representative Valdez spoke against the adoption of the amendment.

Amendment (095) was not adopted.

Representative Sutherland moved the adoption of amendment (102):

On page 3, after line 9, insert the following:

"(c) The exemptions specified in (a) of this subsection do not prohibit an audit authorized or required under Title 29A RCW from being conducted."

Representatives Sutherland and Valdez spoke in favor of the adoption of the amendment.

Amendment (102) was adopted.

The bill was ordered engrossed.

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

Representatives Dolan, Volz, Boehnke, Kraft and Valdez spoke in favor of the passage of the bill.

Representatives Walsh, Young, Chase, Walsh (again) 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 Substitute House Bill No. 1068.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1068, 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, Boehnke, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie and Mme. Speaker.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1129, by Representatives Valdez, Stonier, Ortiz-Self, Goodman, Cody, Santos and Macri

Concerning the licensure of international medical graduates.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1129 was substituted for House Bill No. 1129 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1129 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 Valdez, Schmick, Slatter, Stonier and Dye spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1129.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1129, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, 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, 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 Caldier, Chase, Kraft and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1129, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1143, by Representatives Rude, Klicker, Eslick and Dent

Authorizing the placement of water rights banked pursuant to RCW 90.92.070 into the trust water rights program.

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 Rude, Chapman and Dent 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 House Bill No. 1143.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1143, 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.

HOUSE BILL NO. 1143, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1176, by Representatives Paul, Boehnke, Kloba, Callan, Davis, Dolan, Riccelli, Bergquist, Lekanoff and Shewmake

Concerning access to higher education.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1176 was substituted for House Bill No. 1176 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1176 was read the second time.

Representative Boehnke moved the adoption of striking amendment (104):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.635.060 and 1997 c 266 s 13 are each amended to read as follows:

(1) Any pupil who defaces or otherwise injures any school property, or property belonging to a school contractor, employee, or another student, is subject to suspension and punishment. If any property of the school district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, the school district may withhold the grades, diploma, and transcripts of the pupil responsible for the damage or loss until the pupil or the pupil's parent or guardian has paid for the damages, except that the school district must release the pupil's grades and transcripts three years after the pupil exits the school district. If the student is suspended, the student may not be readmitted until the student or parents or legal guardian has made payment in full or until directed by the superintendent of schools. If the property damaged is a school bus owned and operated by or contracted to any school district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed by the superintendent. When the pupil and parent or guardian are unable to pay for the damages, the school district shall provide a program of ((voluntary work)) community service opportunities for the pupil ((in lieu)) instead of the payment of monetary damages. Upon completion of ((voluntary work)) community service the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law.

(2) When informing either the pupil or the pupil's parent or guardian that the pupil's grades, diploma, or transcripts are being withheld as allowed under subsection (1) of this section, a school district must provide the following information:

(a) The school district may waive the payment of the monetary damage in part or in full;

(b) The pupil may make the payment of monetary damages;

(c) The pupil may participate in a program of community service opportunities for the pupil instead of the payment of monetary damages; and

(d) The school district must release the pupil's grades and transcripts three

years after the pupil exits the school district. When the pupil has already exited the school district, the school district must inform the pupil of the date on which the school district is obligated to release the pupil's grades and transcripts.

(3) Before any penalties are assessed under this section, a school district board of directors shall adopt procedures which insure that pupils' rights to due process are protected.

~~((3))~~ (4) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child's records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason.

Sec. 2. RCW 28A.325.050 and 2020 c 13 s 10 are each amended to read as follows:

(1) Each school district that has an associated student body program fund must publish the following information about the fund on its web site:

(a) The fund balance at the beginning of the school year;

(b) Summary data about expenditures and revenues occurring over the course of the school year; and

(c) The fund balance at the end of the school year.

(2) Beginning in the 2020-21 school year, each school district that has an associated student body must publish the following information on its web site:

(a) Data related to high school student possession of an associated student body card and high school student participation in school-based extracurricular activities collected under RCW 28A.320.540;

(b) The school district's extracurricular activity opportunity gap reduction plan if required under RCW 28A.320.580; and

(c) A list of optional noncredit extracurricular event attendance and participation fees and the school district policy for waiving and reducing these fees as described under RCW 28A.325.010.

(3) Each school district that has an associated student body must publish the following information on its web site:

How many former students who were enrolled in the school district within the previous three years are subject to the withholding of their grades, diplomas, or transcripts as permitted under RCW 28A.635.060; and how many of these former students were eligible for the federal free or reduced-price meals program in their last year of enrollment in the school district.

(4) The information under this section must be published for each associated student body of the district and each account within the associated student body program fund.

~~((4))~~ (5) If the school district web site contains separate web sites for schools in the district, the information under this section must be published on the web site of the applicable school of the associated student body.

~~((5))~~ (6) School districts must add updated annual information to their web sites by each August 31st, except that school districts are only required to maintain the information on the web site from the previous five years.

~~((6))~~ (7) For purposes of this section, the definitions in RCW 28A.320.530 apply."

Correct the title.

Representatives Boehnke, Paul and Santos spoke in favor of the adoption of the amendment.

Striking amendment (104) was adopted.

The bill was ordered engrossed.

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

Representatives Paul, Entenman, Ybarra, Boehnke, Eslick and Santos spoke in favor of the passage of the bill.

Representative Graham and Graham (again) spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1176.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1176, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

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

Voting nay: Representatives Abbarno, Caldier, Chambers, Chandler, Chase, Goehner, Graham, Hoff, Jacobsen, Klippert, Kraft, MacEwen, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Steele, Vick and Walsh.

Excused: Representative Fey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1096, by Representatives Schmick, Cody, Leavitt, Ortiz-Self, Riccelli and Macri

Concerning nonmedicare plans offered through the Washington state health insurance pool.

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 Schmick and Cody 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 House Bill No. 1096.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1096, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Representative Davis.

Excused: Representative Fey.

HOUSE BILL NO. 1096, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 1096.

Representative Davis, 32nd District

SECOND READING

HOUSE BILL NO. 1196, by Representatives Riccelli, Callan, Bateman, Ramos, Cody, Ortiz-Self, Duerr, Harris, Leavitt, Bergquist, Shewmake, Fitzgibbon, Macri, Tharinger, Slatter, Davis, Berg, Pollet, Orwall, Harris-Talley and Frame

Concerning audio-only telemedicine.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1196 was substituted for House Bill No. 1196 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1196 was read the second time.

Representative Riccelli moved the adoption of striking amendment (089):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.05.700 and 2020 c 92 s 2 are each amended to read as follows:

(1)(a) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and

affordable care act in effect on January 1, 2015; ~~(and)~~

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, a health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2021, shall reimburse a provider for a health care service provided to a covered person through telemedicine ~~((at))~~ the same ~~((rate as))~~ amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate ~~((a reimbursement rate))~~ an amount of compensation for telemedicine services that differs from the ~~((reimbursement rate))~~ amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;

~~(e) ((Community mental health center)) Licensed or certified behavioral health agency;~~

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health plan. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered. The authority may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020.

(9) For purposes of this section:

(a) (i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only telephone technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only telephone technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(b) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

~~((b))~~ (c) "Established relationship" means the covered person has had at least one in-person appointment within the past year with the provider providing audio-only telemedicine or with a provider employed at the same clinic as the provider providing audio-only telemedicine or the covered person was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person appointment with the covered person within the past year and has provided relevant medical information to the provider providing audio-only telemedicine.

(d) "Health care service" has the same meaning as in RCW 48.43.005;

~~((e))~~ (e) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

~~((d))~~ (f) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

~~((e))~~ (g) "Provider" has the same meaning as in RCW 48.43.005;

~~((f))~~ (h) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical

diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

~~((g))~~ (i) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" ~~((does not include the use of))~~ includes audio-only ~~((telephone))~~ telemedicine, but does not include facsimile~~((r))~~ or email.

Sec. 2. RCW 48.43.735 and 2020 c 92 s 1 are each amended to read as follows:

(1) (a) For health plans issued or renewed on or after January 1, 2017, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; ~~((and))~~

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b) (i) Except as provided in (b) (ii) of this subsection, for health plans issued or renewed on or after January 1, 2021, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine ~~((at))~~ the same ~~((rate as))~~ amount of compensation the carrier would pay the provider if the health care

service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate (~~(a reimbursement rate)~~) an amount of compensation for telemedicine services that differs from the ((reimbursement rate)) amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health carrier and the health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) ((Community mental health center)) Licensed or certified behavioral health agency;
- (f) Skilled nursing facility;
- (g) Home or any location determined by the individual receiving the service; or
- (h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health carrier. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A health carrier may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A health carrier may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a health carrier to reimburse:

- (a) An originating site for professional fees;
- (b) A provider for a health care service that is not a covered benefit under the plan; or
- (c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered. The insurance commissioner may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020.

(9) For purposes of this section:

(a) (i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only telephone technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

- (A) The use of facsimile or email; or
- (B) The delivery of health care services that are customarily delivered by audio-only telephone technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(b) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the

time the service is provided through telemedicine;

~~((b))~~ (c) "Established relationship" means the covered person has had at least one in-person appointment within the past year with the provider providing audio-only telemedicine or with a provider employed at the same clinic as the provider providing audio-only telemedicine or the covered person was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person appointment with the covered person within the past year and has provided relevant medical information to the provider providing audio-only telemedicine.

(d) "Health care service" has the same meaning as in RCW 48.43.005;

~~((e))~~ (e) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

~~((d))~~ (f) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

~~((e))~~ (g) "Provider" has the same meaning as in RCW 48.43.005;

~~((f))~~ (h) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

~~((g))~~ (i) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" ~~((does not include the use of))~~ includes audio-only ~~((telephone))~~ telemedicine, but does not include facsimile~~((r))~~ or email.

(9) The commissioner may adopt any rules necessary to implement this section.

Sec. 3. RCW 70.41.020 and 2016 c 226 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) "Aftercare" means the assistance provided by a lay caregiver to a patient under this chapter after the patient's discharge from a hospital. The assistance may include, but is not limited to, assistance with activities of daily living, wound care, medication assistance, and the operation of medical equipment. "Aftercare" includes assistance only for conditions that were present at the time of the patient's discharge from the hospital. "Aftercare" does not include:

(a) Assistance related to conditions for which the patient did not receive medical care, treatment, or observation in the hospital; or

(b) Tasks the performance of which requires licensure as a health care provider.

(2) (a) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only telephone technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(b) "Audio-only telemedicine" does not include:

(i) The use of facsimile or email; or

(ii) The delivery of health care services that are customarily delivered by audio-only telephone technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(3) "Department" means the Washington state department of health.

~~((3))~~ (4) "Discharge" means a patient's release from a hospital following the patient's admission to the hospital.

~~((4))~~ (5) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine.

~~((5))~~ (6) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to

a victim of sexual assault following an alleged sexual assault.

~~((6))~~ (7) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including but not limited to administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

~~((7))~~ (8) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include birthing centers, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, intellectual disability, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations.

~~((8))~~ (9) "Lay caregiver" means any individual designated as such by a patient under this chapter who provides aftercare assistance to a patient in the patient's residence. "Lay caregiver" does not include a long-term care worker as defined in RCW 74.39A.009.

~~((9))~~ (10) "Originating site" means the physical location of a patient receiving health care services through telemedicine.

~~((10))~~ (11) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

~~((11))~~ (12) "Secretary" means the secretary of health.

~~((12))~~ (13) "Sexual assault" has the same meaning as in RCW 70.125.030.

~~((13))~~ (14) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" ~~((does not include the use of))~~ includes audio-only ~~((telephone))~~ telemedicine, but does not include facsimile~~((r))~~ or email.

~~((14))~~ (15) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.

Sec. 4. RCW 71.24.335 and 2019 c 325 s 1019 are each amended to read as follows:

(1) Upon initiation or renewal of a contract with the authority, behavioral health administrative services organizations and managed care organizations shall reimburse a provider for a behavioral health service provided to a covered person who is under eighteen years old through telemedicine or store and forward technology if:

(a) The behavioral health administrative services organization or managed care organization in which the covered person is enrolled provides coverage of the behavioral health service when provided in person by the provider; ~~((and))~~

(b) The behavioral health service is medically necessary; and

(c) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(2)(a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring

provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the behavioral health administrative services organization, or managed care organization, and the provider.

(3) An originating site for a telemedicine behavioral health service subject to subsection (1) of this section means an originating site as defined in rule by the department or the health care authority.

(4) Any originating site, other than a home, under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the behavioral health administrative services organization, or managed care organization, as applicable. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) Behavioral health administrative services organizations and managed care organizations may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) Behavioral health administrative services organizations and managed care organizations may subject coverage of a telemedicine or store and forward technology behavioral health service under subsection (1) of this section to all terms and conditions of the behavioral health administrative services organization or managed care organization in which the covered person is enrolled, including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable behavioral health care service provided in person.

(7) This section does not require a behavioral health administrative services organization or a managed care organization to reimburse:

(a) An originating site for professional fees;

(b) A provider for a behavioral health service that is not a covered benefit; or

(c) An originating site or provider when the site or provider is not a contracted provider.

(8) If a provider intends to bill a patient, a behavioral health administrative services organization, or a managed care organization for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered. The authority may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020.

(9) For purposes of this section:

(a) (i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only telephone technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only telephone technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(b) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

~~((b))~~ (c) "Established relationship" means the covered person has had at least one in-person appointment within the past year with the provider providing audio-only telemedicine or with a provider employed at the same clinic as the provider providing audio-only telemedicine or the covered person was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person appointment with the covered person within the past year and has provided

relevant medical information to the provider providing audio-only telemedicine.

~~(d)~~ (d) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

~~((e))~~ (e) "Originating site" means the physical location of a patient receiving behavioral health services through telemedicine;

~~((d))~~ (f) "Provider" has the same meaning as in RCW 48.43.005;

~~((e))~~ (g) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical or behavioral health information from an originating site to the provider at a distant site which results in medical or behavioral health diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

~~((f))~~ (h) "Telemedicine" means the delivery of health care or behavioral health services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" ~~((does not include the use of))~~ includes audio-only ~~((telephone))~~ telemedicine, but does not include facsimile~~((r))~~ or email.

(9) The authority must adopt rules as necessary to implement the provisions of this section.

Sec. 5. RCW 74.09.325 and 2020 c 92 s 3 are each amended to read as follows:

(1) (a) Upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The medicaid managed care plan in which the covered person is enrolled provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health

benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; ~~((and))~~

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b) (i) Except as provided in (b) (ii) of this subsection, upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine ~~((at))~~ the same ~~((rate as))~~ amount of compensation the managed health care system would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate ~~((a reimbursement rate))~~ an amount of compensation for telemedicine services that differs from the ~~((reimbursement rate))~~ amount of compensation for in-person services.

(iii) For purposes of this subsection (1) (b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(iv) A rural health clinic shall be reimbursed for audio-only telemedicine at the rural health clinic encounter rate.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the managed health care system and health care provider.

(3) An originating site for a telemedicine health care service subject

to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) ~~((Community mental health center))~~ Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the managed health care system. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A managed health care system may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A managed health care system may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a managed health care system to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) If a provider intends to bill a patient or a managed health care system for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered. The authority may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020.

(9) For purposes of this section:

(a) (i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only telephone technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only telephone technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(b) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

~~((b))~~ (c) "Established relationship" means the covered person has had at least one in-person appointment within the past year with the provider providing audio-only telemedicine or with a provider employed at the same clinic as the provider providing audio-only telemedicine or the covered person was referred to the provider providing audio-only telemedicine by another provider who has had at least one in-person appointment with the covered person within the past year and has provided relevant medical information to the provider providing audio-only telemedicine.

(d) "Health care service" has the same meaning as in RCW 48.43.005;

~~((e))~~ (e) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

~~((d))~~ (f) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

~~((e))~~ (g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

~~((f))~~ (h) "Provider" has the same meaning as in RCW 48.43.005;

~~((g))~~ (i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

~~((h))~~ (j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" ~~((does not include the use of))~~ includes audio-only ((telephone)) telemedicine, but does not include facsimile((r)) or email.

~~((9) To measure the impact on access to care for underserved communities and costs to the state and the medicaid managed health care system for reimbursement of telemedicine services, the Washington state health care authority, using existing data and resources, shall provide a report to the appropriate policy and fiscal committees of the legislature no later than December 31, 2018.)~~

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

(1) The authority shall adopt rules regarding medicaid fee-for-service reimbursement for services delivered through audio-only telemedicine. Except as provided in subsection (2) of this section, the rules must establish a manner of reimbursement for audio-only telemedicine that is consistent with RCW 74.09.325.

(2) The rules shall require rural health clinics to be reimbursed for audio-only telemedicine at the rural health clinic encounter rate.

(3)(a) For purposes of this section, "audio-only telemedicine" means the delivery of health care services through the use of audio-only telephone technology, permitting real-time communication between a patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(b) For purposes of this section only, "audio-only telemedicine" does not include:

(i) The use of facsimile or email; or

(ii) The delivery of health care services that are customarily delivered by audio-only telephone technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

Sec. 7. RCW 18.130.180 and 2020 c 187 s 2 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has

been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) Except when authorized by RCW 18.130.345, the possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized

representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW, RCW 41.05.700(8), 48.43.735(8), 71.24.335(8), or 74.09.325(8), or a pattern of violations of RCW 48.49.020 or 48.49.030;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(23) Current misuse of:

- (a) Alcohol;
- (b) Controlled substances; or
- (c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards;

(26) Violation of RCW 18.130.420;

(27) Performing conversion therapy on a patient under age eighteen;

(28) Violation of RCW 18.130.430.

NEW SECTION. Sec. 8. (1) The insurance commissioner, in collaboration with the Washington state telehealth collaborative and the health care authority, shall study and make recommendations regarding:

(a) Preliminary utilization trends for audio-only telemedicine;

(b) Qualitative data from health carriers, including medicaid managed care organizations, on the burden of compliance and enforcement requirements for audio-only telemedicine;

(c) Preliminary information regarding whether requiring reimbursement for audio-only telemedicine has affected the incidence of fraud;

(d) Proposed methods to measure the impact of audio-only telemedicine on access to health care services for historically underserved communities and geographic areas;

(e) In consultation with the department of labor and industries, the extent to which telemedicine reimbursement requirements should be extended to industrial insurance and other programs administered by the department of labor and industries;

(f) An evaluation of the relative costs to providers and facilities of providing audio-only telemedicine services as compared to audio-video telemedicine services and in-person services; and

(g) Any other issues the insurance commissioner deems appropriate.

(2) The insurance commissioner must report his or her findings and recommendations to the appropriate committees of the legislature by November 15, 2023.

(3) This section expires January 1, 2024.

Sec. 9. RCW 28B.20.830 and 2020 c 92 s 4 are each amended to read as follows:

(1) The collaborative for the advancement of telemedicine is created to enhance the understanding and use of health services provided through telemedicine and other similar models in Washington state. The collaborative shall be hosted by the University of Washington telehealth services and shall be comprised of one member from each of the two largest caucuses of the senate and the house of representatives, and representatives from the academic community, hospitals, clinics, and health care providers in primary care and specialty practices, carriers, and other interested parties.

(2) By July 1, 2016, the collaborative shall be convened. The collaborative shall develop recommendations on improving reimbursement and access to services, including originating site restrictions, provider to provider consultative models, and technologies and models of care not currently reimbursed; identify the existence of

telemedicine best practices, guidelines, billing requirements, and fraud prevention developed by recognized medical and telemedicine organizations; and explore other priorities identified by members of the collaborative. After review of existing resources, the collaborative shall explore and make recommendations on whether to create a technical assistance center to support providers in implementing or expanding services delivered through telemedicine technologies.

(3) The collaborative must submit an initial progress report by December 1, 2016, with follow-up policy reports including recommendations by December 1, 2017, December 1, 2018, and December 1, 2021. The reports shall be shared with the relevant professional associations, governing boards or commissions, and the health care committees of the legislature.

(4) The collaborative shall study store and forward technology, with a focus on:

(a) Utilization;

(b) Whether store and forward technology should be paid for at parity with in-person services;

(c) The potential for store and forward technology to improve rural health outcomes in Washington state; and

(d) Ocular services.

(5) The meetings of the board shall be open public meetings, with meeting summaries available on a web page.

(6) The future of the collaborative shall be reviewed by the legislature with consideration of ongoing technical assistance needs and opportunities. The collaborative terminates December 31, ((2021)) 2023.

NEW SECTION. Sec. 10. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Representative Caldier withdrew amendment (092) to the striking amendment (089).

Representative Caldier moved the adoption of amendment (093) to the striking amendment (089):

On page 2, line 30 of the striking amendment, after "distant site" insert "a hospital that is an originating site for audio-only telemedicine,"

On page 5, line 40 of the striking amendment, after "distant site" insert "a hospital that is an originating site for audio-only telemedicine,"

On page 10, line 39 of the striking amendment, after "distant site" insert "a hospital that is an originating site for audio-only telemedicine,"

On page 14, line 22 of the striking amendment, after "distant site" insert "a hospital that is an originating site for audio-only telemedicine,"

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

Amendment (093), to the striking amendment (089) was adopted.

Representative Riccelli moved the adoption of amendment (108) to the striking amendment (089):

On page 3, line 9 of the striking amendment, after "(8)" insert "(a)"

On page 3, after line 14 of the striking amendment, insert the following:

"(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an

amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation."

On page 3, line 17 of the striking amendment, after "audio-only" strike "telephone"

On page 3, line 25 of the striking amendment, after "audio-only" strike "telephone"

On page 3, line 28 of the striking amendment, after "(b)" insert ""Disciplining authority" has the same meaning as in RCW 18.130.020;

(c)"

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

On page 6, line 19 of the striking amendment, after "(8)" insert "(a)"

On page 6, after line 24 of the striking amendment, insert the following:

"(b) If the commissioner has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the commissioner may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the commissioner may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the commissioner or initiated directly by an

enrollee, the disciplining authority shall notify the commissioner of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation."

On page 6, line 27 of the striking amendment, after "audio-only" strike "telephone"

On page 6, line 35 of the striking amendment, after "audio-only" strike "telephone"

On page 6, line 38 of the striking amendment, after "(b)" insert ""Disciplining authority" has the same meaning as in RCW 18.130.020;

(c)"

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

On page 8, line 13 of the striking amendment, after "audio-only" strike "telephone"

On page 8, line 20 of the striking amendment, after "audio-only" strike "telephone"

On page 11, line 25 of the striking amendment, after "(8)" insert "(a)"

On page 11, after line 31 of the striking amendment, insert the following:

"(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated

directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation."

On page 11, line 34 of the striking amendment, after "audio-only" strike "telephone"

On page 12, line 2 of the striking amendment, after "audio-only" strike "telephone"

On page 12, line 5 of the striking amendment, after "(b)" insert "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c)"

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

On page 15, line 3 of the striking amendment, after "(8)" insert "(a)"

On page 15, after line 8 of the striking amendment, insert the following:

"(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action

taken as a result of a finding of a substantiated violation."

On page 15, line 11 of the striking amendment, after "audio-only" strike "telephone"

On page 15, line 19 of the striking amendment, after "audio-only" strike "telephone"

On page 15, line 22 of the striking amendment, after "(b)" insert "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c)"

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

On page 17, line 6 of the striking amendment, after "only" strike "telephone"

On page 17, line 13 of the striking amendment, after "audio-only" strike "telephone"

On page 19, beginning on line 26 of the striking amendment, after "19.68 RCW" strike all material through "74.09.325(8),"

On page 19, line 28 of the striking amendment, after "RCW" strike "48.49.020 or 48.49.030" and insert "41.05.700(8), 48.43.735(8), 48.49.020 ((~~or~~)), 48.49.030, 71.24.335(8), or 74.09.325(8)"

On page 20, beginning on line 28 of the striking amendment, strike all of subsection (e)

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

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

Amendment (108) to the striking amendment (089) was adopted.

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

Striking amendment (089), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Riccelli, Schmick and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1196.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1196, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; 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, Dye, Entenman, Eslick, 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, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Robertson and Stokesbary.

Excused: Representative Fey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1196, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1331, by Representatives Harris-Talley, Senn, Berry, Callan, Fitzgibbon, Wicks, Ortiz-Self, Chopp, Davis, Valdez, Bateman, Eslick, Ormsby, Lovick, Fey, Berg, Rule, Lekanoff, Frame, Duerr, Pollet, Macri, Slatter and Peterson

Concerning early learning facility impact fees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1331 was substituted for House Bill No. 1331 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1331 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 Harris-Talley, Goehner and Harris-Talley (again) spoke in favor of the passage of the bill.

Representative Barkis spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1331.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1331, and the bill passed the House by the following vote: Yeas, 73; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, McCaslin, Morgan, 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, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dufault, Dye, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McEntire, Mosbrucker, Schmick, Stokesbary, Vick, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 1331, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Santos congratulated Representative Harris-Talley on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1383, by Representatives Taylor, Stonier, Dolan, J. Johnson, Leavitt, Simmons, Berry, Fitzgibbon, Sells, Ryu, Berg, Ormsby, Macri and Morgan

Concerning respiratory care practitioners.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1383 was substituted for House Bill No. 1383 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1383 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 Taylor and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1383.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1383, 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 HOUSE BILL NO. 1383, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative J. Johnson congratulated Representative Taylor on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1078, by Representatives Simmons, Young, Dolan, Berry, Fitzgibbon, J. Johnson, Wicks, Chopp, Wylie, Bateman, Ramos, Berg, Shewmake, Tharinger, Ramel, Ortiz-Self, Peterson, Gregerson, Walen, Goodman, Senn, Sells, Ryu, Valdez, Callan, Hackney, Morgan, Ormsby, Pollet, Riccelli, Taylor, Springer, Stonier, Lekanoff, Frame, Santos, Jacobsen, Macri, Davis, Bergquist and Harris-Talley

Restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1078 was substituted for House Bill No. 1078 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1078 was read the second time.

With the consent of the House, amendment (090) was withdrawn.

Representative Walsh moved the adoption of amendment (091):

On page 1, beginning on line 20, after "(2)" strike all material through "~~(5)~~)" on page 2, line 21 and insert "(a) Once the right to vote has been (~~provisionally~~) restored, the sentencing court may revoke the (~~provisional~~) restoration of voting rights if the sentencing court determines that a person has willfully failed to comply with the terms of his or her order to pay legal financial obligations.

~~(b) If the ((person has failed to make three payments in a twelve month period and the county clerk or restitution recipient requests, the prosecutor shall seek revocation of the provisional restoration of voting rights from the court.~~

~~(c) To the extent practicable, the prosecutor and county clerk shall inform a restitution recipient of the recipient's right to ask for the revocation of the provisional restoration of voting rights.~~

~~(3) If the)) court revokes the ((provisional)) restoration of voting rights, the revocation shall remain in effect until, upon motion by the person whose ((provisional)) voting rights have been revoked, the person shows that he or she has made a good faith effort to pay ((as defined in RCW 10.82.090-)) and the court orders that the person's voting rights be restored. As used in this subsection, "good faith effort" means that the person has either (i) paid the principal amount in full; or (ii) made at least 15 payments within an 18-month period, excluding any payments mandatorily deducted by the department of corrections.~~

~~((4)) (c) The county clerk shall enter into a database maintained by the administrator for the courts the names of all persons whose ((provisional)) voting rights have been revoked, and update the database for any person whose voting rights have subsequently been restored pursuant to ((6)) (b) of this ((section)) subsection.~~

~~((5)) (3)"~~

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

On page 2, at the beginning of line 24, strike "subsection((e)) (1) (~~and (3)~~)" and insert "subsections (1) and (~~(3)~~) (2)"

On page 3, line 28, after "conviction," strike "and"

On page 3, line 29, after "conviction" insert ", and I am not disqualified from voting due to a court order revoking my voting rights for failure to comply with the terms for payment of legal financial obligations"

On page 5, line 36, after "voting;" strike "and"

On page 5, beginning on line 37, after "(e)" strike all material through "~~(f)~~ The" on page 6, line 3 and insert "The (~~(provisional)~~) restored right to vote may be revoked if the defendant fails to comply with all the terms of his or her legal financial obligations or an agreement for the payment of legal financial obligations; and

(f) (~~The~~)

Representatives Walsh, Graham, Caldier, Walsh (again), Graham (again) and Caldier (again) spoke in favor of the adoption of the amendment.

Representatives Valdez and Harris-Talley spoke against the adoption of the amendment.

Amendment (091) was not adopted.

Representative Graham moved the adoption of amendment (085):

On page 3, at the beginning of line 14, insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 5, line 18, after "9.94A.030" insert "and includes community custody as directed under RCW 9.94A.701(1)(b)"

On page 6, at the beginning of line 21, insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 6, line 23, after "confinement" strike "has the same meaning as in" and insert "includes community custody as directed under RCW 9.94A.701(1)(b) in addition to its definition under"

On page 8, line 21, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 8, line 24, after "confinement" strike "has the same meaning as in" and insert "includes community custody as directed under RCW 9.94A.701(1)(b) in addition to its definition under"

Representatives Graham, Caldier, Orcutt and Graham (again) spoke in favor of the adoption of the amendment.

Representatives Hackney and Goodman spoke against the adoption of the amendment.

Amendment (085) was not adopted.

Representative Graham moved the adoption of amendment (084):

On page 3, line 15, after "9.94A.633(1)." insert "A sentence of total confinement includes community custody imposed as a condition of sentence for a sex offense as defined under RCW 9.94A.030."

On page 5, line 18, after "confinement" insert "includes community custody imposed as a condition of sentence for a sex offense as defined under RCW 9.94A.030 and"

On page 6, line 22, after "9.94A.633(1)." insert "A sentence of total confinement includes community custody imposed as a condition of sentence for a sex offense as defined under RCW 9.94A.030."

On page 6, line 23, after "9.94A.030." insert "A sentence of total confinement includes community custody imposed as a condition of sentence for a sex offense as defined under RCW 9.94A.030."

On page 8, line 23, after "9.94A.633(1)." insert "A sentence of total confinement includes community custody imposed as a condition of sentence for a sex offense as defined under RCW 9.94A.030."

On page 8, line 24, after "9.94A.030." insert "A sentence of total confinement includes community custody imposed as a condition of sentence for a sex offense as defined under RCW 9.94A.030."

Representatives Graham, Caldier, Graham (again), Caldier (again) and Dufault spoke in favor of the adoption of the amendment.

Representatives Goodman and Harris-Talley spoke against the adoption of the amendment.

Amendment (084) was not adopted.

Representative Simmons moved the adoption of amendment (086):

On page 3, beginning on line 24, after "I" strike all material through "incompetent," on line 25 and insert "am not disqualified from voting due to a court order, and"

On page 4, line 7, after "(2)" strike "(a)"

On page 4, beginning on line 20, strike all of subsection (b)

Correct any internal references accordingly.

On page 8, after line 24, insert the following:

"NEW SECTION. Sec. 8. This act takes effect January 1, 2022."

Correct the title.

Representative Volz moved the adoption of amendment (097) to amendment (086):

On page 1, line 12 of the amendment, after "**Sec. 8.**" strike all material through "January 1" on line 12 and insert "(1) By December 1, 2021, and in compliance with RCW 43.01.036, the department shall submit a report to the appropriate committees of the legislature that includes information on the expected number of people who will have their voting rights restored pursuant to RCW 29A.08.520 as of July 1, 2022, who:

(a) Have been convicted of a serious violent offense, violent offense, or sex offense; and

(b) Are under the authority of the department based on a conviction of an offense under (a) of this subsection.

(2) For purposes of this section:

(a) A person is under the authority of the department of corrections if the person is:

(i) Serving a sentence of confinement in the custody of the department; or

(ii) Subject to community custody as defined in RCW 9.94A.030.

(b) The terms "serious violent offense", "violent offense", and "sex offense" have the same meaning as in RCW 9.94A.030.

(2) This section expires December 31, 2021.

NEW SECTION. Sec. 9. Sections 1 through 7 of this act take effect July 1"

Representatives Volz, Caldier, Walsh, Walsh (again), Graham and Young spoke in favor of the adoption of the amendment to the amendment.

Representatives Valdez and Goodman spoke against the adoption of the amendment to the amendment.

Amendment (097) to amendment (086) was not adopted.

Representatives Simmons and Volz spoke in favor of the adoption of the amendment (086).

Amendment (086) was adopted.

By the adoption of amendment (086), amendments (081) and (096) were ruled out of order.

Representative Graham moved the adoption of amendment (083):

On page 8, line 20, after "(2)" insert "The department shall, simultaneous with the provision of the required notice under subsection (1) of this section, send written notice of restoration of voting rights to the victims of the crimes for which the person described under subsection (1) of this section was serving a sentence of total confinement under the jurisdiction of the department of corrections. The notice must include information that the person will be released from, or transferred to partial confinement from, total confinement under the jurisdiction of the department of corrections and his or her voting rights will be automatically restored.

(3) "

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (083).

SPEAKER'S RULING

"Substitute House Bill 1078 restores voting rights to a person convicted of a felony when the person is released

from total confinement under the jurisdiction of the Department of Corrections.

Amendment (083) relates to victim notification requirements.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken.”

Representative Graham moved the adoption of amendment (082):

On page 8, after line 24, insert the following:

"NEW SECTION. Sec. 8. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Representatives Graham, Caldier, Graham (again) and Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (082) was not adopted.

The bill was ordered engrossed.

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

Representatives Simmons, Young, Hackney, Harris-Talley, Wicks, Young (again) and J. Johnson spoke in favor of the passage of the bill.

Representatives Caldier, Volz, Walsh, Dent, Sutherland, Graham, Caldier (again), Dufault, Jacobsen, Walsh (again), Mosbrucker, Griffey and Graham (again) 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 House Bill No. 1078.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1078, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri,

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

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Hansen congratulated Representative Simmons on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

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

HOUSE BILL NO. 1455, by Representatives Mosbrucker, Boehnke, Young, Sutherland and Jacobsen

Concerning the use of social security numbers by the department of labor and industries and the employment security department.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1455 was substituted for House Bill No. 1455 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1455 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 Mosbrucker and Sells spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives Robertson and Wilcox were excused

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1455.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1455, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, 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, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Robertson and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1455, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1492, by Representatives Sells, Macri, Lovick, Berry, Slatter, Thai, Pollet, Ormsby and Stonier

Concerning extended benefits in the unemployment insurance system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1492 was substituted for House Bill No. 1492 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1492 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 House Bill No. 1492.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1492, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Representatives Dufault and Kraft.

Excused: Representatives Robertson and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1492, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1493, by Representatives Sells, Berry, Pollet and Ormsby

Concerning job search monitoring.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1493 was substituted for House Bill No. 1493 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1493 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 House Bill No. 1493.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1493, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

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, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule,

Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft and Young.
Excused: Representatives Robertson and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1493, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1184, by Representatives Duerr, Ramel, Dolan and Harris-Talley

Concerning risk-based water quality standards for on-site nonpotable water systems.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1184 was substituted for House Bill No. 1184 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1184 was read the second time.

Representative Goehner moved the adoption of amendment (107):

On page 2, line 17, after "permit" strike "criteria"

On page 2, beginning on line 19, after "Washington." strike all material through "requirements." on line 24

On page 2, line 25, after "owner or" strike "construction"

On page 2, line 26, after "impervious" strike "services" and insert "surfaces"

Representatives Goehner and Duerr spoke in favor of the adoption of the amendment.

Amendment (107) was adopted.

The bill was ordered engrossed.

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

Representatives Duerr, Goehner and Volz 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 Engrossed Substitute House Bill No. 1184.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1184, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

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, 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, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Eslick, Kraft, McCaslin, Sutherland, Walsh and Young.

Excused: Representatives Robertson and Wilcox.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1184, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1294, by Representatives Goodman, Davis, Macri and Ormsby

Addressing misdemeanor supervision services by limited jurisdiction courts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1294 was substituted for House Bill No. 1294 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1294 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 Goodman and Walsh 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 House Bill No. 1294.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1294, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, 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, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Robertson and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1294, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1309, by Representatives Eslick, Ramel, Paul and Lekanoff

Concerning the dates of certification of levies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1309 was substituted for House Bill No. 1309 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1309 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 Eslick, Ramel and Orcutt 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 House Bill No. 1309.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1309, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, 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, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Robertson and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1309, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1271, by Representatives Orwall, Goehner, Goodman, Thai, Fey, Pollet and Harris-Talley

Ensuring continuity of operations in the offices of county elected officials during the current COVID-19 pandemic and future public health crises.

The bill was read the second time.

Representative Orwall moved the adoption of amendment (050):

On page 3, at the beginning of line 23, strike "eighteen" and insert "~~(eighteen)~~ 21"

Representatives Orwall and Goehner spoke in favor of the adoption of the amendment.

Amendment (050) was adopted.

The bill was ordered engrossed.

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

Representatives Orwall and Goehner 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 Engrossed House Bill No. 1271.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1271, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

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

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin, Sutherland and Young.

Excused: Representatives Robertson and Wilcox.

ENGROSSED HOUSE BILL NO. 1271, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1028, by Representatives Bergquist, McCaslin, Dolan, Stonier and Pollet

Concerning evaluation and recommendation of candidates for residency teacher certification.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1028 was substituted for House Bill No. 1028 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1028 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 Bergquist, McEntire, Stonier and McCaslin 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 Second Substitute House Bill No. 1028.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1028, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, 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, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Robertson and Wilcox.

SECOND SUBSTITUTE HOUSE BILL NO. 1028, 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:

- HOUSE BILL NO. 1061
- HOUSE BILL NO. 1075
- HOUSE BILL NO. 1085
- HOUSE BILL NO. 1086
- HOUSE BILL NO. 1105
- HOUSE BILL NO. 1109
- HOUSE BILL NO. 1141
- HOUSE BILL NO. 1160
- HOUSE BILL NO. 1168
- HOUSE BILL NO. 1172
- HOUSE BILL NO. 1202
- HOUSE BILL NO. 1261
- HOUSE BILL NO. 1263
- HOUSE BILL NO. 1269
- HOUSE BILL NO. 1274
- HOUSE BILL NO. 1287
- HOUSE BILL NO. 1297
- HOUSE BILL NO. 1315
- HOUSE BILL NO. 1320
- HOUSE BILL NO. 1322
- HOUSE BILL NO. 1329
- HOUSE BILL NO. 1333
- HOUSE BILL NO. 1382
- HOUSE BILL NO. 1393
- HOUSE BILL NO. 1423
- HOUSE BILL NO. 1430
- HOUSE BILL NO. 1443
- HOUSE BILL NO. 1471
- HOUSE BILL NO. 1525

There being no objection, the House adjourned until 9:00 a.m., February 25, 2021, the 46th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY SIXTH DAY

House Chamber, Olympia, Thursday, February 25, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Liz Berry, 36th Legislative District.

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

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

MESSAGES FROM THE SENATE

February 24, 2021

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272,
and the same is herewith transmitted.

Brad Hendrickson, Secretary

February 24, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5025,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5074,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5180,
SECOND SUBSTITUTE SENATE BILL NO. 5183,
SENATE BILL NO. 5196,
SENATE BILL NO. 5202,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5235,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5432,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

ENGROSSED SUBSTITUTE SENATE BILL NO.
5272

The Speaker called upon Representative Orwall to
preside.

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

INTRODUCTION & FIRST READING

SB 5018 by Senators Rivers, Cleveland, Dhingra,
Lovelett, Short, Wilson and C.

AN ACT Relating to acupuncture and Eastern
medicine; and amending RCW 18.06.010 and
18.06.230.

Referred to Committee on Health Care & Wellness.

SB 5021 by Senators Hunt, Conway, Saldaña, Wilson and
C.

AN ACT Relating to the effect of expenditure reduction
efforts on retirement benefits for public employees,
including those participating in the shared work
program; amending RCW 41.26.030, 41.32.010,
41.34.040, 41.35.010, 41.37.010, 41.40.010, and
43.43.120; adding a new section to chapter 41.50 RCW;
and creating a new section.

Referred to Committee on Appropriations.

ESB 5026 by Senators Salomon, Cleveland,
Conway, Das, Hasegawa, Hunt, Keiser, Lovelett,
Nguyen, Nobles and Randall

AN ACT Relating to moneys available to a port district
allocated for the purchase of zero and near zero
emissions cargo handling equipment; and adding a new
chapter to Title 53 RCW.

Referred to Committee on Local Government.

SSB 5030 by Senate Committee on Early Learning
& K-12 Education (originally sponsored by
Mullet, Wellman, Conway, Darneille, Hasegawa,
Kuderer, Lias, Lovelett, Nguyen, Rivers,
Salomon, Wilson and C.)

AN ACT Relating to developing comprehensive school
counseling programs; adding new sections to chapter

28A.320 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

SSB 5066 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Das, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Stanford, Wilson and C.)

AN ACT Relating to a peace officer's duty to intervene; adding a new section to chapter 10.93 RCW; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Appropriations.

SB 5101 by Senators Stanford, Conway, Dhingra, Hasegawa, Hunt, Nguyen, Randall, Saldaña, Wagoner, Wilson and C.

AN ACT Relating to establishing tribal representation on the emergency management council; and amending RCW 38.52.040.

Referred to Committee on Community & Economic Development.

ESSB 5115 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Liias, Conway, Kuderer, Lovelett, Nguyen, Salomon, Stanford, Wilson and C.)

AN ACT Relating to establishing health emergency labor standards; adding a new section to chapter 51.32 RCW; adding new sections to chapter 49.17 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

SSB 5127 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Padden, Kuderer, Nguyen, Short, Wagoner, Warnick, Wilson and C.)

AN ACT Relating to courthouse facility dogs; amending RCW 10.52.110; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

SB 5131 by Senator Holy

AN ACT Relating to county clerks duties related to recall petitions; and amending RCW 29A.56.140.

Referred to Committee on State Government & Tribal Relations.

SB 5146 by Senator Van De Wege

AN ACT Relating to authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds; and amending RCW 77.12.320.

Referred to Committee on Capital Budget.

SSB 5179 by Senate Committee on Health & Long Term Care (originally sponsored by Liias, Rivers, Das, Randall, Wilson and C.)

AN ACT Relating to blood donation; and amending RCW 70.01.020.

Referred to Committee on Health Care & Wellness.

SB 5225 by Senators Hunt, Padden and Pedersen

AN ACT Relating to direct appeals to the court of appeals of cases brought under the administrative procedure act and the land use petition act; amending RCW 34.05.518, 34.05.522, 36.18.018, 34.05.518, and 34.05.522; adding a new section to chapter 36.70C RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

SSB 5271 by Senate Committee on Law & Justice (originally sponsored by Wagoner, Pedersen and Dhingra)

AN ACT Relating to amending the necessary elements of proof of injury during the state of emergency declared due to the COVID-19 pandemic; amending RCW 7.70.040; creating a new section; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

SSB 5292 by Senate Committee on Health & Long Term Care (originally sponsored by Nobles, Cleveland, Das, Keiser, Lovelett, Nguyen, Randall, Salomon, Stanford, Van De Wege, Wilson and C.)

AN ACT Relating to the use of parks and recreation spaces, trails, and facilities in the design of parks Rx pilot program collaboratively designed with the health care and insurance industry sectors; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SB 5296 by Senators Schoesler, Conway, Dozier, Muzzall, Rivers, Van De Wege and Warnick

AN ACT Relating to the definition of index for the Washington state patrol retirement system; and reenacting and amending RCW 43.43.260.

Referred to Committee on Appropriations.

SB 5300 by Senators Van De Wege, Das, Hunt, Randall, Wilson and C.

AN ACT Relating to prohibiting the feeding of garbage to swine; amending RCW 16.36.020 and 16.36.105; reenacting and amending RCW 16.36.005; and repealing RCW 16.68.150.

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

SB 5303 by Senator Hunt

AN ACT Relating to exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act; and amending RCW 42.56.380.

Referred to Committee on State Government & Tribal Relations.

SB 5322 by Senators Robinson, Wilson and C.

AN ACT Relating to prohibiting dual enrollment between school employees' benefits board and public employees' benefits board programs; and amending RCW 41.05.742.

Referred to Committee on Appropriations.

SB 5354 by Senators Saldaña, King and Nguyen

AN ACT Relating to traffic control in large cities; and amending RCW 46.61.050.

Referred to Committee on Transportation.

ESB 5356 by Senators Short, Kuderer and Conway

AN ACT Relating to prime contractor bidding submission requirements on public works contracts; and amending RCW 39.30.060.

Referred to Committee on Capital Budget.

SSB 5384 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Warnick, Short, Wilson and L.)

AN ACT Relating to volunteer firefighters; amending RCW 49.12.460; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

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.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4610, by Representative Sullivan

NOW, THEREFORE, BE IT RESOLVED, That permanent House Rules for the Sixty-Seventh Legislature be adopted as follows:

((TEMPORARY)) RULES OF THE HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE 2021-2022

HOUSE RULE NO.

- | | |
|----------------|--|
| Rule 1 | Definitions |
| Rule 2 | Chief Clerk to Call to Order |
| Rule 3 | Election of Officers |
| Rule 4 | Powers and Duties of the Speaker |
| Rule 5 | Chief Clerk |
| Rule 6 | Executive Rules Committee |
| Rule 7 | Duties of Employees |
| Rule 8 | Admission to the House |
| Rule 9 | Absentees and Courtesy |
| Rule 10 | Bills, Memorials and Resolutions - Introductions |
| Rule 11 | Reading of Bills |
| Rule 12 | Amendments |
| Rule 13 | Final Passage |
| Rule 14 | Hour of Meeting, Roll Call and Quorum |
| Rule 15 | Daily Calendar and Order of Business |
| Rule 16 | Motions |
| Rule 17 | Members Right to Debate |
| Rule 18 | Rules of Debate |
| Rule 19 | Ending of Debate - Previous Question |
| Rule 20 | Voting |

- Rule 21** Reconsideration
- Rule 22** Call of the House
- Rule 23** Appeal from Decision of Chair
- Rule 24** Standing Committees
- Rule 25** Duties of Committees
- Rule 26** Standing Committees - Expenses - Subpoena Power
- Rule 27** Vetoed Bills
- Rule 28** Suspension of Compensation
- Rule 29** Smoking
- Rule 30** Liquor
- Rule 31** Parliamentary Rules
- Rule 32** Standing Rules Amendment
- Rule 33** Rules to Apply for Assembly
- Rule 34** Legislative Mailings

Definitions

Rule 1. "Absent" means an unexcused failure to attend.

"Term" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the house in accordance with Article II § 12 of the state Constitution.

"Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.

"Fiscal committee" means the appropriations, capital budget, finance, and transportation committees.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

Chief Clerk to Call to Order

Rule 2. It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

Election of Officers

Rule 3. The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; a deputy speaker pro tempore, who shall serve in absence or in case of the inability of the speaker and speaker pro tempore; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of

the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

Powers and Duties of the Speaker

Rule 4. The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II § 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs as selected by the majority party caucus, and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee and the executive rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

Chief Clerk

Rule 5. The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall perform all administrative duties related to the public records obligations of members of the house.

The chief clerk shall employ, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

Executive Rules Committee

Rule 6. The executive rules committee is hereby established to oversee administrative operations of the house. The committee consists of four members of the majority caucus and three members of the minority caucus, to be named by the speaker and minority leader respectively.

Duties of Employees

Rule 7. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

Admission to the House

Rule 8. It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

The governor or designees, or both;

Members of the senate;

State elected officials;

Officers and authorized employees of the legislature;

Former members of the house who are not advocating any pending or proposed legislation;

Representatives of the press;

Other persons with the consent of the speaker.

(B) Only members of the house, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the

house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

Absentees and Courtesy

Rule 9. No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

Bills, Memorials and Resolutions - Introductions

Rule 10. Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

Any returning member or member-elect may prefile a bill with the chief clerk commencing the first Monday in December preceding any regular session or twenty (20) days before any special session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

No house bill may be introduced that is identical to any other pending house bill.

Reading of Bills

Rule 11. Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) **FIRST READING.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) **SECOND READING.** Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) **SUBSTITUTE BILLS.** When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) **THIRD READING.** Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) **SUSPENSION CALENDAR.** Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) **HOUSE RESOLUTIONS.** House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions

by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Children's Day, Day of Remembrance, Martin Luther King Jr. Day, National Guard Day, and President's Day.

(G) **CONCURRENT RESOLUTIONS.** Reading of concurrent resolutions may be advanced by majority vote.

Amendments

Rule 12. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 11(E) and as follows:

(A) **AMENDMENTS TO BE OFFERED IN PROPER FORM.** The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) **COMMITTEE AMENDMENTS.** When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) **SENATE AMENDMENTS TO HOUSE BILLS.** A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) **AMENDMENTS TO BE GERMANE.** No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) **SCOPE AND OBJECT NOT TO BE CHANGED.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

(F) **NO AMENDMENT BY REFERENCE.** No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) **TITLE AMENDMENTS.** The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

Final Passage

Rule 13. Rules relating to bills on final passage are as follows:

(A) BUDGET BILLS. No final passage vote may be taken on an operating budget, transportation budget, or capital budget bill until twenty-four (24) hours after the bill is placed on the third reading calendar. The twenty-four (24) hour requirement does not apply to conference reports, which are governed by Joint Rule 20, or to bills placed on the third reading calendar by a two-thirds (2/3) vote of the members present.

(B) RECOMMITMENT BEFORE FINAL PASSAGE. A bill may be recommitted at any time before its final passage.

(C) FINAL PASSAGE. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II § 22)

(D) BILLS PASSED - CERTIFICATION. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

Hour of Meeting, Roll Call and Quorum

Rule 14. (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 22(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

Daily Calendar and Order of Business

Rule 15. The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

Motions

Rule 16. Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

(1) Privileged motions:

Adjourn

Adjourn to a time certain

Recess to a time certain

Reconsider

Demand for division

Question of privilege

Orders of the day

- (2) Subsidiary motions:
 - First rank: Question of consideration
 - Second rank: To lay on the table
 - Third rank: For the previous question
 - Fourth rank: To postpone to a day certain
 - To commit or recommit
 - To postpone indefinitely
 - Fifth rank: To amend

- (3) Incidental motions:
 - Points of order and appeal
 - Method of consideration
 - Suspension of the rules
 - Reading papers
 - Withdraw a motion
 - Division of a question

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 23.

Motions to adopt house resolutions shall be decided without debate, except as provided in Rule 11(F).

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

Members Right to Debate

Rule 17. The methods by which a member may exercise his or her right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 19 (Previous Question).

Rules of Debate

Rule 18. The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the

distribution. This shall not apply to materials normally distributed by the chief clerk.

(E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) DIVISION OF POINTS OF DEBATE. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) DECORUM OF MEMBERS. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) REMARKS CONFINED. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) EXCEPTION TO WORDS SPOKEN IN DEBATE. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) TRANSGRESSION OF RULES - APPEAL. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

Ending of Debate - Previous Question

Rule 19. The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative _____ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

Voting

Rule 20. (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) ALL MEMBERS TO VOTE. Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) PRIVATE INTEREST. No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

(E) INTERRUPTION OF ROLL CALL. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) YEAS AND NAYS - RECORDED VOTES. Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(G) TIE VOTE, QUESTION LOSES. In case of an equal division, the question shall be lost.

(H) DIVISION. If the speaker is in doubt, or if division is

called for by any member, the house shall divide.

(I) STATEMENT FOR JOURNAL. A member whose recorded vote does not accurately reflect his or her intent may submit a written statement for the journal clarifying their intent to vote aye or nay. The statement must be submitted to the chief clerk on the same day the vote is taken. A member who is excused for one or more days of recorded votes may submit a written statement for the journal explaining the reason for his or her absence. The statement may not exceed fifty words and must be submitted to the chief clerk on the same day the member returns.

Reconsideration

Rule 21. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

Call of the House

Rule 22. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) DOORS TO BE CLOSED. When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the

chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) HOUSE UNDER CALL. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

Appeal from Decision of Chair

Rule 23. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

Rule 24. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

- 1. Appropriations 33
- 2. Capital Budget 23
- 3. Children, Youth & Families 13
- 4. Civil Rights & Judiciary 17
- 5. College & Workforce Development 13
- 6. Commerce & Gaming 9
- 7. Community & Economic Development 13
- 8. Consumer Protection & Business 7
- 9. Education 13
- 10. Environment & Energy 13
- 11. Finance 17
- 12. Health Care & Wellness 15
- 13. Housing, Human Services & Veterans 9
- 14. Labor & Workplace Standards 7

15. Local Government	7
16. Public Safety	13
17. Rules	27
18. Rural Development, Agriculture & Natural Resources	15
19. State Government & Tribal Relations	7
20. Transportation	29

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs.

Duties of Committees

Rule 25. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) COMMITTEE QUORUM. A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may prepare a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy

of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage.

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

(9) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

(10) Insofar as practicable, testimony in public hearings should be balanced between those in support of and in opposition to proposed legislation, with consideration given to providing an opportunity for members of the public to testify within available time.

Standing Committees - Expenses - Subpoena Power

Rule 26. Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any process, the committee chairperson shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

Vetoed Bills

Rule 27. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in

order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

Suspension of Compensation

Rule 28. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

Smoking

Rule 29. Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

Liquor

Rule 30. The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

Parliamentary Rules

Rule 31. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Standing Rules Amendment

Rule 32. Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 11.

Rules to Apply for Assembly

Rule 33. The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

Legislative Publications

Rule 34. The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

Appendix to House Rules

The House of Representatives of the sixty-seventh legislature acknowledges that the COVID-19 pandemic requires the adoption of extraordinary rules of procedure that protect the health of members, staff, and the public, and ensure transparency and openness in house proceedings.

Pursuant to Article II, section 9 of the state Constitution, the House of Representatives hereby adopts the following Appendix Rules A-1 through A-10 to govern its proceedings during the COVID-19 state of emergency.

Application of Rules

Rule A-1. Reed's Parliamentary Rules and the Rules of the House of Representatives are hereby superseded to the extent they are inconsistent with the rules set forth in this appendix.

Remote Participation and Voting Authorized

Rule A-2. House members shall participate remotely in official house proceedings, including committee meetings and floor sessions, and when doing so, shall be considered present for purposes of a quorum and voting.

Members are encouraged to use computers provided by the house to participate in committee meetings and are encouraged to use the virtual background provided by the house in their video display. Members are required to use computers provided by the house to cast votes in remote floor sessions and are required to use the virtual background provided by the house for their video display.

Reasonable accommodations provided to a member due to a disability must include provisions necessary to facilitate participation in remote proceedings.

Admittance to House Facilities

Rule A-3. Admittance to house facilities is permitted only as follows:

(1) ~~((Presiding officers, the minority leader, floor leaders, and staff essential to floor operations are permitted in the chamber during floor proceedings.~~

((2)) The speaker, the speaker pro tempore, the deputy speaker pro tempore, the minority leader, the majority floor leader, the minority floor leader, and staff essential to floor operations are permitted in the chamber during floor proceedings.

(2) The executive rules committee may authorize additional members to be admitted to the chamber during floor proceedings.

(3) Including the above referenced members ~~((identified in subsection (1) of this rule))~~, each caucus may designate 15 members to participate remotely from their assigned legislative offices. Each caucus must prioritize members with technological problems that preclude remote participation.

~~((3))~~ (4) The executive rules committee may authorize additional members of the house to participate remotely from their assigned legislative offices upon a showing that technological problems preclude participation from the member's home or an alternate district location.

~~((4))~~ (5) Staff may access house facilities only with prior approval of the chief clerk.

(6) Any person permitted access to house facilities must comply with public health requirements both on and off campus, and any other restriction established by executive rules and/or the chief clerk.

(7) The chief clerk shall continue to review public health data and guidance and periodically update the executive rules committee. The executive rules committee may modify provisions relating to admittance to house facilities as conditions warrant.

House Resolutions

Rule A-4. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Day of Remembrance, Martin Luther King Jr. Day, President's Day, and National Guard Day ~~(, and Navy Day)~~. Floor debate on commemorative resolutions is limited to 10 minutes for members of the majority caucus and 10 minutes for members of the minority caucus.

Members Right to Debate

Rule A-5. Any member who desires to speak may request to be recognized by use of the request to speak function in the remote floor activity system.

No member may speak longer than 10 minutes without consent of the house, PROVIDED, that on and after the fifth day prior to the day of adjournment Sine Die of any session, as determined by Article II, section 12 of the state Constitution or concurrent resolution, and on and after the fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member may speak more than three minutes without consent of the house.

Amendments

Rule A-6. To facilitate the orderly consideration of legislation, the speaker, after consultation with the minority leader, may establish a deadline for submission of amendments.

Voting

Rule A-7. The speaker shall divide the house on all motions not requiring a recorded roll call vote. A member is not required to participate in a division vote.

All members present in the remote floor proceedings shall vote when the question is put on any motion requiring a recorded roll call vote. Before locking the roll call machine, the ~~((presiding officer))~~ speaker shall call the name of any member not voting. If a member is unable to vote using the remote voting function, the member may vote orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

Any member who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the same day the vote is taken or submit a statement for the journal within 48 hours indicating their intent to vote yea or nay.

Distribution of Materials

Rule A-8. Any requirement to distribute materials to members' desks is satisfied by distribution through electronic means.

Duties of Committees

Rule A-9. Every notice of a committee meeting shall include a web address for information about viewing and providing public testimony at committee meetings in lieu of a physical location.

Every member participating remotely in a committee meeting shall be considered present for purposes of quorum and roll call voting.

Only such bills as are included on the written notice of a committee meeting may be considered at that meeting.

Every report and recommendation shall be made by members of the committee during a regularly called meeting of the committee. No signatures are required.

Every vote to report a bill out of committee shall be taken by the yeas and nays, with nays specifying "do not pass" or "without recommendation."

A member who is unable to vote on a bill in committee for technical reasons may submit a statement for the bill indicating their intent to have voted aye, nay-do not pass, or nay-without recommendation. The statement must be submitted to the chief clerk on the same day the vote is taken.

A meeting shall be considered open to the public if an alternate and broadly accessible means for the public to view the meeting is available.

Term of Appendix Rules

Rule A-10. The rules in this appendix expire on the termination of the COVID-19 state of emergency, or when rescinded by the executive rules committee, whichever occurs first.

There being no objection, HOUSE RESOLUTION NO. 4610 was adopted.

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

SECOND READING

HOUSE BILL NO. 1359, by Representatives Stonier, MacEwen, Robertson, Shewmake, Ormsby and Macri

Reducing liquor license fees temporarily.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1359 was substituted for House Bill No. 1359 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1359 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 Stonier and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1359.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1359, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE HOUSE BILL NO. 1359, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1480, by Representatives MacEwen, Kloba, Sutherland, Robertson, Ormsby, Chambers, Eslick and Tharinger

Extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1480 was substituted for House Bill No. 1480 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1480 was read the second time.

Representative Kloba moved the adoption of amendment (121):

On page 3, line 22, after "(9)" insert "Upon delivery of any alcohol product authorized to be delivered under this section, the signature of the person age 21 or over receiving the delivery must be obtained.

(10) "

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

On page 3, at the beginning of line 33, strike all material through "(2)" on line 37

On page 11, after line 34, insert the following:

"NEW SECTION. **Sec. 9.** Except as provided in section 2(9) of this act, any temporary authorization or relaxation of requirements provided by the Washington state liquor and cannabis board, in effect on the effective date of this section, related to authorizing the photographing or scanning of customer identification in lieu of obtaining a physical signature to document liquor product delivery or verify the age of customers, expires at the end of the governor's proclamation of emergency related to COVID-19."

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

Representatives Kloba and MacEwen spoke in favor of the adoption of the amendment.

Amendment (121) was adopted.

Representative Davis moved the adoption of amendment (120):

On page 3, line 30, after "July 1," strike "2023" and insert "2022"

On page 11, line 25, after "July 1," strike "2023" and insert "2022"

Representatives Davis and Callan spoke in favor of the adoption of the amendment.

Representatives MacEwen and Kloba spoke against the adoption of the amendment.

Amendment (120) was not adopted.

Representative Kloba moved the adoption of amendment (116):

On page 4, beginning on line 8, strike all of section 4

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

On page 11, after line 34, insert the following:

"NEW SECTION. Sec. 9. Any temporary authorization or relaxation of statutory requirements provided by the Washington state liquor and cannabis board related to food requirements associated with wine and beer sampling at farmers markets expires at the end of the governor's proclamation of emergency related to COVID-19."

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

Representatives Kloba and MacEwen spoke in favor of the adoption of the amendment.

Amendment (116) was adopted.

The bill was ordered engrossed.

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

Representatives MacEwen, Stonier and Rule 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 Second Substitute House Bill No. 1480.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1480, 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, Chandler, Chapman, Chase, Cody, Corry, Dolan, Duerr, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Shewmake, 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 Chopp, Davis, Dent, Dufault, Dye, Entenman, Harris, Kraft, Leavitt, Ormsby, Ryu and Simmons.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1480, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1104, by Representatives Ryu and Kloba

Extending the operation of the mortgage lending fraud prosecution account until June 30, 2027.

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 Ryu and Stokesbary 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 House Bill No. 1104.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1104, 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, 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 and Mme. Speaker.

Voting nay: Representative Young.

HOUSE BILL NO. 1104, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1122, by Representatives Lovick, Klippert, Ryu, Goodman, MacEwen and Orwall

Concerning the retirement age for state guard members.

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 Lovick and Klippert 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 House Bill No. 1122.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1122, 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.

HOUSE BILL NO. 1122, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1151, by Representatives Leavitt, Shewmake, Peterson, Bronoske, Entenman, Stonier, Bateman, Chopp, Frame, Hackney, Callan, Pollet, Gregerson, Senn and J. Johnson

Bolstering economic recovery.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1151 was substituted for House Bill No. 1151 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1151 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 Leavitt, Caldier, Riccelli, Sutherland and Graham spoke in favor of the passage of the bill.

Representatives Dufault and 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 Substitute House Bill No. 1151.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1151, and the bill passed the House by the following vote: Yeas, 82; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, 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, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Corry, Dufault, Dye, Graham, Klicker, Kraft, Kretz, McCaslin, McEntire, Schmick, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1151, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1508, by Representatives Chapman and Pollet

Concerning the sanitary control of shellfish.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1508 was substituted for House Bill No. 1508 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1508 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 Chapman and Chandler 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 House Bill No. 1508.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1508, 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 HOUSE BILL NO. 1508, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1031, by Representatives Walen, Valdez, Leavitt, Ortiz-Self, Springer, Stonier and Santos

Concerning the government issuance of a certificate of birth resulting in stillbirth.

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 Walen and Jacobsen spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1031.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1031, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, 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, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Dufault, Dye, Graham, Klicker, Kraft, McEntire, Schmick, Sutherland, Walsh, Ybarra and Young.

HOUSE BILL NO. 1031, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1085, by Representatives Kloba, Vick, Volz, Leavitt, Ramel, Hoff, Graham, Chopp, Lovick, Stokesbary and Pollet

Promoting a safe learning environment for students with seizure disorders.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1085 was substituted for House Bill No. 1085 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1085 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 Kloba, Ybarra and Vick 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 House Bill No. 1085.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1085, 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 HOUSE BILL NO. 1085, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1016, by Representatives Morgan, Lovick, Ryu, Wicks, Ortiz-Self, Berry, Leavitt, J. Johnson, Kloba, Shewmake, Simmons, Bateman, Lekanoff, Duerr, Fitzgibbon, Chopp, Slatter, Ramos, Ramel, Peterson, Gregerson, Valdez, Callan, Young, Hackney, Cody, Ormsby, Riccelli, Rude, Stonier, Fey, Frame, Santos, Macri, Taylor, Davis, Pollet, Bergquist and Harris-Talley

Making Juneteenth a legal holiday.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1016 was substituted for House Bill No. 1016 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1016 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 Morgan, Volz, Harris-Talley, Entenman, Barkis and Morgan (again) spoke in favor of the passage of the bill.

Representative Sutherland spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1016.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1016, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; 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, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, 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 Chase, Dufault, Goehner, McCaslin, McEntire, Orcutt, Schmick, Sutherland and Walsh.

SUBSTITUTE HOUSE BILL NO. 1016, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1109, by Representatives Orwall, Mosbrucker, Simmons, Goodman, Leavitt, Valdez, Kloba, Graham, Morgan, Caldier, Rule and Macri

Concerning victims of sexual assault.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1109 was substituted for House Bill No. 1109 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1109 was read the second time.

Representative Orwall moved the adoption of amendment (138):

On page 1, beginning on line 7, after "(1)" strike all material through "thereafter" on page 2, line 6 and insert "Subject to the availability of amounts

appropriated for this specific purpose, the association must, in consultation with the office of the attorney general, collect information on the investigational status of any sexual assault case where the sexual assault kit was in the possession of the law enforcement agency and a request for forensic examination had not been submitted by the law enforcement agency to the Washington state patrol crime laboratory as of July 24, 2015. The association must work with law enforcement agencies to update the investigational status of each open case not less than semiannually. Beginning in 2022, the association must submit reports on the information collected pursuant to this section to the governor and appropriate committees of the legislature by January 1st and July 1st of each year.

(2) For the purposes of this section:

(a) "Association" means the Washington association of sheriffs and police chiefs.

(b) "Investigational status" means:

(i) The agency case or incident number;

(ii) The date the request for forensic examination of the sexual assault kit was submitted to the Washington state patrol crime laboratory;

(iii) The date the forensic examination was complete and reported to the law enforcement agency;

(iv) Whether the case is open or closed;

(v) For open cases, whether the case remains:

(A) An active investigation;

(B) Open pending forensic examination results; or

(C) Open and inactive, in which case the agency must include a brief description as to why the case is inactive; and

(vi) For closed cases, whether the case was closed as a result of:

(A) A referral for prosecution where charges were filed or the prosecutor is reviewing the case;

(B) A referral for prosecution where the prosecutor declined to file charges based on the case being legally insufficient;

(C) A referral for prosecution where the prosecutor declined to file charges because the case failed to meet prosecutorial charging standards;

(D) After reviewing the results of the forensic examination, there was no evidence that a crime occurred, or there was lack of probable cause that a crime occurred;

(E) The inability to locate the victim or lack of victim participation; or

(F) Any other reason, in which case the agency must include a brief description as to why the case closed.

(3) Nothing in this section may be interpreted to require any law enforcement agency to disclose any information that would jeopardize an active criminal investigation.

NEW SECTION. Sec. 2. A new section is added to chapter 5.70 RCW to read as follows:

(1) For any sexual assault kit under RCW 5.70.050 where forensic analysis has generated a profile that has resulted in a hit in the

combined DNA index system, the office of the attorney general may request information from the applicable law enforcement agency and prosecuting attorney as to the case status of any related criminal investigation and prosecution, including information as provided under section 1(2)(b) of this act as well as any other relevant information. The law enforcement agency and prosecuting attorney shall provide requested case status updates to the office of the attorney general. The office of the attorney general shall consult with the Washington association of sheriffs and police chiefs when developing any procedures for requesting and collecting case status updates under this section.

(2) Nothing in this section may be interpreted to require any law enforcement agency or prosecuting attorney to disclose any information that would jeopardize an active criminal investigation or prosecution"

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

On page 2, beginning on line 38, after "shall" strike all material through "investigation" on page 3, line 2 and insert "make requested case files and other documents available to the commission, provided that the case files are not linked to ongoing, open investigations"

On page 3, line 6, after "be" strike "provided" and insert "made available"

Correct the title.

Representatives Orwall and Mosbrucker spoke in favor of the adoption of the amendment.

Amendment (138) was adopted.

The bill was ordered engrossed.

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

Representatives Orwall, Mosbrucker and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1109.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1109, 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 SUBSTITUTE HOUSE BILL NO. 1109, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1425, by Representatives Taylor, Leavitt, Valdez, Santos, J. Johnson, Ortiz-Self, Simmons, Rule, Ramel, Chopp, Pollet, Hackney and Morgan

Expanding scholarships for community and technical college students.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1425 was substituted for House Bill No. 1425 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1425 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 Taylor, Chambers and Paul 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 House Bill No. 1425.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1425, 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 HOUSE BILL NO. 1425, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1373, by Representatives Callan, Steele, Ortiz-Self, Dolan, J. Johnson, Slatter, Bergquist, Leavitt, Davis, Fey, Simmons, Berry, Thai, Wicks, Ryu, Kloba, Chambers, Berg, Wylie, Santos, Paul, Ormsby, Ramel, Macri, Pollet, Morgan and Harris-Talley

Promoting student access to information about behavioral health resources.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1373 was substituted for House Bill No. 1373 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1373 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 Callan and Ybarra 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 House Bill No. 1373.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1373, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; 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, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, McCaslin, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 1373, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1363, by Representatives Ortiz-Self, Callan, Davis, Ramos, Simmons, Berg, Morgan, Bergquist, Harris-Talley and Pollet

Addressing secondary trauma in the K-12 workforce.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1363 was substituted for House Bill No. 1363 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1363 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 Ortiz-Self spoke in favor of the passage of the bill.

Representative Ybarra spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1363.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1363, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

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

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

SUBSTITUTE HOUSE BILL NO. 1363, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1273, by Representatives Berg, Caldier, Ramel, Simmons, Taylor, Lovick, Bateman, Senn, Leavitt, Fitzgibbon, Wicks, Berry, Peterson, Goodman, Valdez, Hackney, Thai, Kloba, Frame, Ryu, Bronoske, Macri, Callan, Ormsby, Pollet, Slatter, Harris-Talley and Stonier

Concerning menstrual products in schools.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1273 was substituted for House Bill No. 1273 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1273 was read the second time.

Representative Berg moved the adoption of amendment (122):

On page 1, line 12, after "twelve." insert "If a school building serving grades six through twelve does not have a gender-neutral bathroom, then the products must also be available in at least one bathroom accessible to male students or in a school health room accessible to all students."

Representatives Berg and Caldier spoke in favor of the adoption of the amendment.

Amendment (122) was adopted.

The bill was ordered engrossed.

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

Representatives Berg, Caldier and Stonier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1273.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1273, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, 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, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Dye, Kraft, McEntire, Orcutt, Walsh and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1273, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1114, by Representatives Dye and Ramel

Encouraging utility mitigation of urban heat island effects.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1114 was substituted for House Bill No. 1114 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1114 was read the second time.

Representative Dye moved the adoption of amendment (106):

On page 4, line 31, after "with" insert "sections 1.07 and 1.08 of"

On page 6, line 29, after "with" insert "sections 1.07 and 1.08 of"

On page 8, line 29, after "with" insert "sections 1.07 and 1.08 of"

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

Representative Ramel spoke against the adoption of the amendment.

Amendment (106) 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 Dye, Ramel and Sutherland 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 House Bill No. 1114.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1114, 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 HOUSE BILL NO. 1114, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1141, by Representatives Rude, Macri, Stonier, Tharinger, Ormsby, Frame, Pollet, Goodman, Peterson, Thai, Ramel, J. Johnson, Bateman, Simmons, Fitzgibbon and Valdez

Increasing access to the death with dignity act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1141 was substituted for House Bill No. 1141 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1141 was read the second time.

Representative Rude moved the adoption of amendment (128):

On page 5, after line 19, insert the following:

"(c) The attending qualified medical provider and the consulting qualified medical provider selected by the qualified patient may not have a supervisory relationship with each other."

Representatives Rude and Cody spoke in favor of the adoption of the amendment.

Amendment (128) was adopted.

Representative Rude moved the adoption of amendment (139):

On page 7, beginning on line 36, after "may" strike all material through "entity" on line 39 and insert "only be made:

(a) By personal delivery, messenger service, or the United states postal service or a similar private parcel delivery entity; and

(b) Upon the receipt of the signature of the addressee or an authorized person at the time of delivery by an entity listed in subsection (3)(a) of this section"

Representatives Rude and Cody spoke in favor of the adoption of the amendment.

Amendment (139) was adopted.

The bill was ordered engrossed.

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

Representatives Rude, Macri and Ryu spoke in favor of the passage of the bill.

Representatives Schmick and Jacobsen spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Santos was excused

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1141.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1141, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

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

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

Excused: Representative Santos.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1148, by Representatives Cody, Macri, Stonier, Lekanoff and Pollet

Protecting patients in acute care hospitals.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1148 was substituted for House Bill No. 1148 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1148 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 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 Second Substitute House Bill No. 1148.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1148, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, 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, Robertson, Rule, Ryu, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, 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, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh and Wilcox.

Excused: Representative Santos.

SECOND SUBSTITUTE HOUSE BILL NO. 1148, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1491, by Representatives Orcutt, Fitzgibbon and Lekanoff

Concerning the rights-of-way for the transport of timber, minerals, stone, sand, gravel, or other valuable materials.

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 Orcutt and Chapman 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 House Bill No. 1491.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1491, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

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

Excused: Representative Santos.

HOUSE BILL NO. 1491, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1274, by Representatives Hackney, Stokesbary, Robertson, Bateman, Springer, Walen, Leavitt, Berg and Slatter

Concerning cloud computing solutions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1274 was substituted for House Bill No. 1274 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1274 was read the second time.

Representative Hackney moved the adoption of amendment (133):

On page 4, beginning on line 26, after "services" strike all material through "services" on line 27

Representatives Hackney and Volz spoke in favor of the adoption of the amendment.

Amendment (133) was adopted.

The bill was ordered engrossed.

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

Representatives Hackney, Stokesbary, Dolan, Volz and Kraft 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 Second Substitute House Bill No. 1274.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1274, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, 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 and Mme. Speaker.

Voting nay: Representatives Dufault and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1274, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Bergquist congratulated Representative Hackney on the passage of his first bill through the House and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 1194, by Representatives Ortiz-Self, Senn, Young, Santos, Callan, Morgan, Davis and Harris-Talley

Strengthening parent-child visitation during child welfare proceedings.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1194 was substituted for House Bill No. 1194 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1194 was read the second time.

With the consent of the House, amendments (058) and (127) were withdrawn.

Representative Ortiz-Self moved the adoption of amendment (109):

On page 6, line 34, after "presumption," strike "the department" and insert "a party"

On page 7, line 27, after "visit" strike "under this subsection"

On page 7, line 28, after "of" insert "the child's"

On page 10, line 24, after "presumption," strike "the department" and insert "a party"

On page 15, line 29, after "supervised" insert "or monitored"

On page 15, line 31, after "presumption," strike "the department" and insert "a party"

Representative Ortiz-Self spoke in favor of the adoption of the amendment.

Amendment (109) was adopted.

Representative Caldier moved the adoption of amendment (057):

On page 7, line 29, after "delay." insert "This first visit may occur in a remote format, such as a phone or video visit, if it is not possible to arrange an in-person visit."

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

Representative Senn spoke against the adoption of the amendment.

Amendment (057) was not adopted.

Representative Caldier moved the adoption of amendment (110):

On page 7, after line 29, insert the following:

"(e) If the first visit under subsection (9) (d) of this section occurs in an in-person format, this first visit must be supervised unless the department determines that visit supervision is not necessary."

Representatives Caldier and Senn spoke in favor of the adoption of the amendment.

Amendment (110) was adopted.

The bill was ordered engrossed.

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

Representatives Ortiz-Self, Dent and Corry 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 Second Substitute House Bill No. 1194.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1194, 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 SECOND SUBSTITUTE HOUSE BILL NO. 1194, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1172, by Representatives Lekanoff, Kloba, Ramel, Leavitt, Davis, Dolan, Fitzgibbon, Riccelli, Bateman, Gregerson and Duerr

Recognizing judicially affirmed and treaty-reserved fishing rights and promoting state-tribal cooperative agreements in the management of salmon, trout, and steelhead resources.

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 Lekanoff, Orcutt and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1172.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1172, 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.

HOUSE BILL NO. 1172, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1173, by Representatives Berry, Frame, Dolan and Lekanoff

Concerning state lands development authorities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1173 was substituted for House Bill No. 1173 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1173 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 Berry and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1173.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1173, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

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

Voting nay: Representatives Barkis, Dent, Dye, Eslick, Gilday, Graham, Harris, Hoff, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Sutherland, Vick, Volz, Walsh and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1173, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1162, by Representatives Stonier, Harris, Lekanoff, Hackney, Pollet, Dolan and Callan

Concerning high school graduation credit and pathway options.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1162 was substituted for House Bill No. 1162 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1162 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 Stonier, Harris, Eslick and Maycumber spoke in favor of the passage of the bill.

Representatives Steele and 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 Substitute House Bill No. 1162.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1162, and the bill passed the

House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Bronoske, Chambers, Chandler, Corry, Dent, Dufault, Dye, Gilday, Goehner, Hoff, Jacobsen, Kraft, Leavitt, McEntire, Robertson, Rude, Schmick, Steele, Stokesbary, Vick, Walsh, Wilcox and Ybarra.

SUBSTITUTE HOUSE BILL NO. 1162, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1272, by Representatives Macri, Cody, Fitzgibbon, Davis, Hackney, Thai, Kloba, Rule, Simmons, Pollet, Dolan, Slatter, Riccelli and Harris-Talley

Concerning health system transparency.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1272 was substituted for House Bill No. 1272 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1272 was read the second time.

With the consent of the House, amendment (157) was withdrawn.

Representative Macri moved the adoption of striking amendment (118):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.70.052 and 2014 c 220 s 2 are each amended to read as follows:

(1) (a) To promote the public interest consistent with the purposes of chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, the department shall ~~((continue to))~~ require hospitals to submit hospital financial and patient discharge information, including any applicable information reported pursuant to section 2 of this act, which shall be collected, maintained, analyzed, and

disseminated by the department. The department shall, if deemed cost-effective and efficient, contract with a private entity for any or all parts of data collection. Data elements shall be reported in conformance with a uniform reporting system established by the department. This includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial and employee compensation information reasonably necessary to fulfill the purposes of this section.

(b) Data elements relating to use of hospital services by patients shall be the same as those currently compiled by hospitals through inpatient discharge abstracts. The department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

(c) The department must revise the uniform reporting system to further delineate hospital expenses reported in the other direct expense category in the statement of revenue and expense. The department must include the following additional categories of expenses within the other direct expenses category:

- (i) Blood supplies;
- (ii) Contract staffing;
- (iii) Information technology, including licenses and maintenance;
- (iv) Insurance and professional liability;
- (v) Laundry services;
- (vi) Legal, audit, and tax professional services;
- (vii) Purchased laboratory services;
- (viii) Repairs and maintenance;
- (ix) Shared services or system office allocation;
- (x) Staff recruitment;
- (xi) Training costs;
- (xii) Taxes;
- (xiii) Utilities; and
- (xiv) Other noncategorized expenses.

(d) The department must revise the uniform reporting system to further delineate hospital revenues reported in

the other operating revenue category in the statement of revenue and expense. The department must include the following additional categories of revenues within the other operating revenues category:

- (i) Donations;
- (ii) Grants;
- (iii) Joint venture revenue;
- (iv) Local taxes;
- (v) Outpatient pharmacy;
- (vi) Parking;
- (vii) Quality incentive payments;
- (viii) Reference laboratories;
- (ix) Rental income;
- (x) Retail cafeteria; and
- (xi) Other noncategorized revenues.

(e) (i) A hospital, other than a hospital designated by medicare as a critical access hospital or sole community hospital, must report line items and amounts for any expenses or revenues in the other noncategorized expenses category in (c)(xiv) of this subsection or the other noncategorized revenues category in (d)(xi) of this subsection that either have a value: (A) Of \$1,000,000 or more; or (B) representing one percent or more of the total expenses or total revenues; or

(ii) A hospital designated by medicare as a critical access hospital or sole community hospital must report line items and amounts for any expenses or revenues in the other noncategorized expenses category in (c)(xiv) of this subsection or the other noncategorized revenues category in (d)(xi) of this subsection that represent the greater of: (A) \$1,000,000; or (B) one percent or more of the total expenses or total revenues.

(f) A hospital must report any money, including loans, received by the hospital or a health system to which it belongs from a federal, state, or local government entity in response to a national or state-declared emergency, including a pandemic. Hospitals must report this information as it relates to federal, state, or local money received after January 1, 2020, in association with the COVID-19 pandemic. The department shall provide guidance on reporting pursuant to this subsection.

(2) In identifying financial reporting requirements, the department may require both annual reports and condensed quarterly reports from hospitals, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of hospitals.

(3)(a) Beginning with compensation information for 2012, unless a hospital is operated on a for-profit basis, the department shall require a hospital licensed under chapter 70.41 RCW to annually submit employee compensation information. To satisfy employee compensation reporting requirements to the department, a hospital shall submit information as directed in (a)(i) or (ii) of this subsection. A hospital may determine whether to report under (a)(i) or (ii) of this subsection for purposes of reporting.

(i) Within one hundred thirty-five days following the end of each hospital's fiscal year, a nonprofit hospital shall file the appropriate schedule of the federal internal revenue service form 990 that identifies the employee compensation information with the department. If the lead administrator responsible for the hospital or the lead administrator's compensation is not identified on the schedule of form 990 that identifies the employee compensation information, the hospital shall also submit the compensation information for the lead administrator as directed by the department's form required in (b) of this subsection.

(ii) Within one hundred thirty-five days following the end of each hospital's calendar year, a hospital shall submit the names and compensation of the five highest compensated employees of the hospital who do not have any direct patient responsibilities. Compensation information shall be reported on a calendar year basis for the calendar year immediately preceding the reporting date. If those five highest compensated employees do not include the lead administrator for the hospital, compensation information for the lead administrator shall also be submitted. Compensation information shall include base compensation, bonus and incentive compensation, other payments that qualify as reportable compensation, retirement and other deferred compensation, and nontaxable benefits.

(b) To satisfy the reporting requirements of this subsection (3), the department shall create a form and make it available no later than August 1, 2012. To the greatest extent possible, the form shall follow the format and reporting requirements of the portion of the internal revenue service form 990 schedule relating to compensation information. If the internal revenue service substantially revises its schedule, the department shall update its form.

(4) The health care data collected, maintained, and studied by the department shall only be available for retrieval in original or processed form to public and private requestors pursuant to subsection ~~((7))~~ (9) of this section and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(5) The department shall, in consultation and collaboration with ~~((the federally recognized))~~ tribes, urban or other Indian health service organizations, and the federal area Indian health service, design, develop, and maintain an American Indian-specific health data, statistics information system.

(6)(a) Patient discharge information reported by hospitals to the department must identify patients by race, ethnicity, gender identity, preferred language, any disability, and zip code of primary residence. The department shall provide guidance on reporting pursuant to this subsection. When requesting demographic information under this subsection, a hospital must inform patients that providing the information is voluntary. If a hospital fails to report demographic information under this subsection because a patient refused to provide the information, the department may not take any action against the hospital for failure to comply with reporting requirements or other licensing standards on that basis.

(b) The department must develop a waiver process for the requirements of

(a) of this subsection to allow hospitals to adopt an alternative reporting method due to economic hardship, technological limitations that are not reasonably in the control of the hospital, or other exceptional circumstance demonstrated by the hospital.

(7) Each hospital must report to the department, on a quarterly basis, the number of submitted and completed charity care applications that the hospital received in the prior quarter and the number of charity care applications approved in the prior quarter pursuant to the hospital's charity care policy, consistent with chapter 70.170 RCW. The department shall develop a standard form for hospitals to use in submitting information pursuant to this subsection.

(8) All persons subject to the data collection requirements of this section shall comply with departmental requirements established by rule in the acquisition of data.

~~((7))~~ (9) The department must maintain the confidentiality of patient discharge data it collects under subsections (1) and (6) of this section. Patient discharge data that includes direct and indirect identifiers is not subject to public inspection and the department may only release such data as allowed for in this section. Any agency that receives patient discharge data under (a) or (b) of this subsection must also maintain the confidentiality of the data and may not release the data except as consistent with subsection ~~((8))~~ (10)(b) of this section. The department may release the data as follows:

(a) Data that includes direct and indirect patient identifiers, as specifically defined in rule, may be released to:

(i) Federal, state, and local government agencies upon receipt of a signed data use agreement with the department; and

(ii) Researchers with approval of the Washington state institutional review board upon receipt of a signed confidentiality agreement with the department.

(b) Data that does not contain direct patient identifiers but may contain indirect patient identifiers may be released to agencies, researchers, and other persons upon receipt of a signed data use agreement with the department.

(c) Data that does not contain direct or indirect patient identifiers may be released on request.

~~((9))~~ (10) Recipients of data under subsection ~~((7))~~ (9)(a) and (b) of this section must agree in a written data use agreement, at a minimum, to:

(a) Take steps to protect direct and indirect patient identifying information as described in the data use agreement; and

(b) Not redisclose the data except as authorized in their data use agreement consistent with the purpose of the agreement.

~~((9))~~ (11) Recipients of data under subsection ~~((7))~~ (9)(b) and (c) of this section must not attempt to determine the identity of persons whose information is included in the data set or use the data in any manner that identifies individuals or their families.

~~((10))~~ (12) For the purposes of this section:

(a) "Direct patient identifier" means information that identifies a patient; and

(b) "Indirect patient identifier" means information that may identify a patient when combined with other information.

~~((11))~~ (13) The department must adopt rules necessary to carry out its responsibilities under this section. The department must consider national standards when adopting rules.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) (a) For a health system operating a hospital licensed under chapter 70.41 RCW, the health system must annually submit to the department a consolidated annual income statement and balance sheet, including hospitals, ambulatory surgical facilities, health clinics, urgent care clinics, physician groups, health-related laboratories, long-term care facilities, home health agencies, dialysis facilities, ambulance services, behavioral health settings, and virtual care entities that are operated in Washington.

(b) The state auditor's office shall provide the department with audited financial statements for all hospitals owned or operated by a public hospital

district under chapter 70.44 RCW. Public hospital districts are not required to submit additional information to the department under this subsection.

(2) The department must make information submitted under this section available in the same manner as hospital financial data.

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

The department, in collaboration with hospitals, health care workers, purchasers, and communities with lived experience of systemic health inequities, shall select a qualified research entity to analyze the impact of the number, type, education, training, and experience of acute care hospital staffing personnel on patient mortality and patient outcomes utilizing scientifically sound research methods most effective for all involved stakeholders. The study should control for other contributing factors, including but not limited to access to equipment, patients' underlying conditions and diagnoses, patients' demographics information, the trauma level designation of the hospital, transfers from other hospitals, and external factors impacting hospital volumes. The study must be completed by September 1, 2022, and the department shall submit the study to the appropriate committees of the legislature by October 1, 2022.

Sec. 4. RCW 70.01.040 and 2012 c 184 s 1 are each amended to read as follows:

(1) Prior to the delivery of nonemergency services, a provider-based clinic that charges a facility fee shall provide a notice to any patient that the clinic is licensed as part of the hospital and the patient may receive a separate charge or billing for the facility component, which may result in a higher out-of-pocket expense.

(2) Each health care facility must post prominently in locations easily accessible to and visible by patients, including its website, a statement that the provider-based clinic is licensed as part of the hospital and the patient may receive a separate charge or billing for the facility, which may result in a higher out-of-pocket expense.

(3) Nothing in this section applies to laboratory services, imaging services,

or other ancillary health services not provided by staff employed by the health care facility.

(4) As part of the year-end financial reports submitted to the department of health pursuant to RCW 43.70.052, all hospitals with provider-based clinics that bill a separate facility fee shall report:

(a) The number of provider-based clinics owned or operated by the hospital that charge or bill a separate facility fee;

(b) The number of patient visits at each provider-based clinic for which a facility fee was charged or billed for the year;

(c) The revenue received by the hospital for the year by means of facility fees at each provider-based clinic; and

(d) The range of allowable facility fees paid by public or private payers at each provider-based clinic.

(5) For the purposes of this section:

(a) "Facility fee" means any separate charge or billing by a provider-based clinic in addition to a professional fee for physicians' services that is intended to cover building, electronic medical records systems, billing, and other administrative and operational expenses.

(b) "Provider-based clinic" means the site of an off-campus clinic or provider office (~~((located at least two hundred fifty yards from the main hospital buildings or as determined by the centers for medicare and medicaid services,))~~) that is owned by a hospital licensed under chapter 70.41 RCW or a health system that operates one or more hospitals licensed under chapter 70.41 RCW, is licensed as part of the hospital, and is primarily engaged in providing diagnostic and therapeutic care including medical history, physical examinations, assessment of health status, and treatment monitoring. This does not include clinics exclusively designed for and providing laboratory, X-ray, testing, therapy, pharmacy, or educational services and does not include facilities designated as rural health clinics.

Sec. 5. RCW 70.41.470 and 2012 c 103 s 1 are each amended to read as follows:

(1) As of January 1, 2013, each hospital that is recognized by the internal revenue service as a 501(c)(3) nonprofit entity must make its federally required community health needs assessment widely available to the public and submit it to the department within fifteen days of submission to the internal revenue service. Following completion of the initial community health needs assessment, each hospital in accordance with the internal revenue service((7)) shall complete and make widely available to the public and submit to the department an assessment once every three years. The department must post the information submitted to it pursuant to this subsection on its website.

(2)(a) Unless contained in the community health needs assessment under subsection (1) of this section, a hospital subject to the requirements under subsection (1) of this section shall make public and submit to the department a description of the community served by the hospital, including both a geographic description and a description of the general population served by the hospital; and demographic information such as leading causes of death, levels of chronic illness, and descriptions of the medically underserved, low-income, and minority, or chronically ill populations in the community.

(b)(i) A hospital, other than a hospital designated by medicare as a critical access hospital or sole community hospital, that is subject to the requirements under subsection (1) of this section must annually submit to the department an addendum which details information about activities identified as community health improvement services with a cost of \$5,000 or more. The addendum must include the type of activity, the method in which the activity was delivered, how the activity relates to an identified community need in the community health needs assessment, the target population for the activity, strategies to reach the target population, identified outcome metrics, the cost to the hospital to provide the activity, the methodology used to calculate the hospital's costs, and the number of people served by the activity. If a community health improvement service is administered by an entity other than the hospital, the other entity must be identified in the addendum.

(ii) A hospital designated by medicare as a critical access hospital or sole community hospital that is subject to the requirements under subsection (1) of this section must annually submit to the department an addendum which details information about the 10 highest cost activities identified as community health improvement services. The addendum must include the type of activity, the method in which the activity was delivered, how the activity relates to an identified community need in the community health needs assessment, the target population for the activity, strategies to reach the target population, identified outcome metrics, the cost to the hospital to provide the activity, the methodology used to calculate the hospital's costs, and the number of people served by the activity. If a community health improvement service is administered by an entity other than the hospital, the other entity must be identified in the addendum.

(iii) The department shall require the reporting of demographic information about participant race, ethnicity, any disability, gender identity, preferred language, and zip code of primary residency. The department, in consultation with interested entities, may revise the required demographic information according to an established six-year review cycle about participant race, ethnicity, disabilities, gender identity, preferred language, and zip code of primary residence that must be reported under (b)(i) and (ii) of this subsection (2). At a minimum, the department's consultation process shall include community organizations that provide community health improvement services, communities impacted by health inequities, health care workers, hospitals, and the governor's interagency coordinating council on health disparities. The department shall establish a six-year cycle for the review of the information requested under this subsection (2)(b)(iii).

(iv) The department shall provide guidance on participant data collection and the reporting requirements under this subsection (2)(b). The guidance shall include a standard form for the reporting of information under this subsection (2)(b). The standard form must allow for the reporting of community health improvement services that are repeated within a reporting period to be combined within the addendum as a single project

with the number of instances of the services listed. The department must develop the guidelines in consultation with interested entities, including an association representing hospitals in Washington, labor unions representing workers who work in hospital settings, and community health board associations. The department must post the information submitted to it pursuant to this subsection (2)(b) on its website.

(3)(a) Each hospital subject to the requirements of subsection (1) of this section shall make widely available to the public a community benefit implementation strategy within one year of completing its community health needs assessment. In developing the implementation strategy, hospitals shall consult with community-based organizations and stakeholders, and local public health jurisdictions, as well as any additional consultations the hospital decides to undertake. Unless contained in the implementation strategy under this subsection (3)(a), the hospital must provide a brief explanation for not accepting recommendations for community benefit proposals identified in the assessment through the stakeholder consultation process, such as excessive expense to implement or infeasibility of implementation of the proposal.

(b) Implementation strategies must be evidence-based, when available; or development and implementation of innovative programs and practices should be supported by evaluation measures.

(4) When requesting demographic information under subsection (2)(b) of this section, a hospital must inform participants that providing the information is voluntary. If a hospital fails to report demographic information under subsection (2)(b) of this section because a participant refused to provide the information, the department may not take any action against the hospital for failure to comply with reporting requirements or other licensing standards on that basis.

(5) For the purposes of this section, the term "widely available to the public" has the same meaning as in the internal revenue service guidelines.

NEW SECTION. Sec. 6. The department of health shall develop any forms or guidance required in this act at least 60 days before hospitals are required to utilize the form or guidance.

NEW SECTION. Sec. 7. This act takes effect July 1, 2022.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

Correct the title.

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

Striking amendment (118) was adopted.

The bill was ordered engrossed.

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

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1272.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1272, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, 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, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1069, by Representatives Pollet, Duerr, Leavitt, Wylie, Tharinger, Kloba, Senn, Ryu, Callan and Fey

Concerning local government fiscal flexibility.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1069 was substituted for House Bill No. 1069 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1069 was read the second time.

Representative Dufault moved the adoption of amendment (049):

On page 3, line 6, after "Except" insert "for distributions to counties that do not charge rental property owners for a tenant's delinquent utilities"

On page 5, line 17, after "Except" insert "for distributions to cities that do not charge rental property owners for a tenant's delinquent utilities"

On page 7, line 8, after "Except" insert "for distributions to cities that do not charge rental property owners for a tenant's delinquent utilities"

On page 9, line 33, after "RCW 70.123.020." strike "After" and insert "Except for local governments that charge rental property owners for a tenant's delinquent utilities, after"

On page 11, line 20, after "2023," insert "for local governments that do not charge rental property owners for a tenant's delinquent utilities,"

On page 12, line 16, after "or" insert ", for local governments that do not charge rental property owners for a tenant's delinquent utilities,"

On page 39, line 25, after "or county" insert "that does not charge rental property owners for a tenant's delinquent utilities"

On page 39, line 33, after "or county" insert "that does not charge rental property owners for a tenant's delinquent utilities"

On page 41, line 39, after "2023" insert "if the city or county does not charge rental property owners for a tenant's delinquent utilities"

On page 43, line 20, after "2023" insert "for cities or counties that do not charge rental property owners for a tenant's delinquent utilities"

On page 45, line 31, after "or more" insert "that does not charge rental property owners for a tenant's delinquent utilities"

On page 47, line 9, after "the governor" insert "and the city or town does not charge rental property owners for a tenant's delinquent utilities"

On page 48, line 14, after "governor" insert "and the city or town does not charge rental property owners for a tenant's delinquent utilities"

Representatives Dufault, Dufault (again) and Orcutt spoke in favor of the adoption of the amendment.

Representatives Springer and Pollet spoke against the adoption of the amendment.

Amendment (049) was not adopted.

Representative Robertson moved the adoption of amendment (094):

On page 1, line 16, strike "CRIMINAL JUSTICE SALES TAX" and insert "CHEMICAL DEPENDENCY AND MENTAL HEALTH TREATMENT SERVICES SALES TAX"

On page 1, beginning on line 17, strike all of sections 2, 3, 4, 5, and 6

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

Correct the title.

Representatives Robertson, Graham, Orcutt and Maycumber spoke in favor of the adoption of the amendment.

Representatives Duerr and Frame spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (094) and the amendment was not adopted by the following vote: Yeas: 46; Nays: 52; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Berg, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire,

Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

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

Representative Pollet moved the adoption of amendment (061):

On page 12, beginning on line 16, after "services" strike all material through "services," on line 18

On page 12, line 19, after "services." insert "Moneys collected by cities under this section may also be used for modifications to existing facilities to address health and safety needs necessary for the provision, operation, or delivery of chemical dependency or mental health treatment programs or services otherwise funded with moneys collected in this section."

Representatives Pollet and Goehner spoke in favor of the adoption of the amendment.

Amendment (061) was adopted.

The bill was ordered engrossed.

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

Representatives Pollet, Goehner and Eslick spoke in favor of the passage of the bill.

Representatives Robertson, Chambers and Orcutt 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 Second Substitute House Bill No. 1069.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1069, 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, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J.

Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Steele, 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, Gilday, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1069, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1070, by Representatives Ryu, Macri, Walen, Chopp, Santos, Fitzgibbon, Ramel, Wylie, Ramos, Bateman, Tharinger, Simmons, Kloba, Peterson, Gregerson, Goodman, Sells, Bronoske, Valdez, Callan, Hackney, Cody, Ormsby, Riccelli, Springer, Fey, Davis, Pollet and Harris-Talley

Modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1070 was substituted for House Bill No. 1070 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1070 was read the second time.

With the consent of the House, amendment (112) was withdrawn.

Representative Ryu moved the adoption of amendment (040):

On page 3, line 17, after "homeless" strike "~~((, families with children))~~" and insert ", including families with children"

Representatives Ryu and Orcutt spoke in favor of the adoption of the amendment.

Amendment (040) was adopted.

Representative Frame moved the adoption of amendment (039):

On page 3, beginning on line 29, after "(b)" strike all material through "(b)" on line 33 and insert "Among other priorities, a county that acquires a

facility under subsection (2) (a) of this section must provide an opportunity for 15 percent of the units provided at that facility to be provided to individuals who are living in or near the city in which the facility is located, or have ties to that community. The provisions of this subsection (3) (b) "

On page 3, line 35, after "section." insert "This prioritization must not jeopardize United States department of housing and urban development funding for the continuum of care program."

Representatives Frame and Orcutt spoke in favor of the adoption of the amendment.

Amendment (039) was adopted.

The bill was ordered engrossed.

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

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

Representatives Orcutt and Barkis 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 House Bill No. 1070.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1070, 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, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1391, by Representatives Goehner, Senn and Pollet

Concerning prime contractor bidding submission requirements on public works contracts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1391 was substituted for House Bill No. 1391 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1391 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 Goehner and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1391.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1391, 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 HOUSE BILL NO. 1391, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1044, by Representatives Leavitt, Simmons, J. Johnson, Eslick, Lovick, Kloba, Lekanoff, Wylie, Bateman, Senn, Goodman, Bronoske, Valdez, Callan, Ramos, Hackney, Morgan, Ormsby, Fey, Frame, Santos, Davis, Pollet and Bergquist

Creating prison to postsecondary education pathways.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1044 was substituted for House Bill No. 1044 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1044 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 Leavitt, Chambers, Simmons, Orcutt and Sutherland spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1044.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1044, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, 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, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft and Walsh.

SECOND SUBSTITUTE HOUSE BILL NO. 1044, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1083, by Representatives Gregerson, Peterson, Wylie, Bateman, Tharinger, Ramel, Ortiz-Self, Valdez, Kloba, Morgan, Chopp, Ormsby, Santos, Macri, Orwall, Bergquist, Pollet and Harris-Talley

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

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1083 was substituted for House Bill No. 1083 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1083 was read the second time.

Representative Caldier moved the adoption of amendment (111):

On page 1, line 14, after "or" strike "~~((demolish and dispose of their homes and))~~ to" and insert "demolish and dispose of their homes and"

On page 2, line 12, after "~~dollars))~~" strike "\$16,000" and insert "\$17,000"

On page 2, line 13, after "~~dollars))~~" strike "\$10,000" and insert "\$11,000"

On page 2, line 15, after "tenant" strike "~~((as follows+)~~" and insert "as follows:

(a) \$12,000 for a multisection home and \$8,000 for a single-section home shall be disbursed"

On page 2, line 17, after "tenant" insert "relocate the home or"

On page 2, line 18, after "housing" strike "~~(+and~~" and insert "; and

(b) The remainder of the total assistance shall be disbursed once the tenant has transferred the title to the park-owner, relocated the home, or demolished and disposed of the home. The tenant must either transfer title of the manufactured/mobile home to the park-owner, relocate, or demolish and dispose of the home within 90 days of receiving the assistance under (a) of this subsection to receive the remainder of the assistance."

On page 2, beginning on line 39, after "(4)" strike all material through "income" on page 3, line 28 and insert "In the event that the tenant does not relocate or demolish and dispose of the home within 90 days of receiving assistance from the fund, the park-owner may seek reimbursement from the fund in the amount of \$4,000 for a multisection home and \$2,500 for a single-section home."

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

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

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

Amendment (111) was adopted.

The bill was ordered engrossed.

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

Representatives Gregerson 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 Engrossed Second Substitute House Bill No. 1083.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1083, 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 SECOND SUBSTITUTE HOUSE BILL NO. 1083, having received the necessary constitutional majority, was declared passed.

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

MOTIONS

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1514, and the bill was referred to the Committee on Finance.

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

- HOUSE BILL NO. 1097
- HOUSE BILL NO. 1099
- HOUSE BILL NO. 1117
- HOUSE BILL NO. 1127
- HOUSE BILL NO. 1137
- HOUSE BILL NO. 1139
- HOUSE BILL NO. 1156
- HOUSE BILL NO. 1161
- HOUSE BILL NO. 1192
- HOUSE BILL NO. 1208
- HOUSE BILL NO. 1216
- HOUSE BILL NO. 1220
- HOUSE BILL NO. 1267
- HOUSE BILL NO. 1335
- HOUSE BILL NO. 1348
- HOUSE BILL NO. 1355
- HOUSE BILL NO. 1357
- HOUSE BILL NO. 1365
- HOUSE BILL NO. 1399
- HOUSE BILL NO. 1416
- HOUSE BILL NO. 1424
- HOUSE BILL NO. 1445
- HOUSE BILL NO. 1460
- HOUSE BILL NO. 1502
- HOUSE BILL NO. 1510
- HOUSE BILL NO. 1515
- HOUSE BILL NO. 1529

There being no objection, the House adjourned until 10:00 a.m., February 26, 2021, the 47th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY SEVENTH DAY

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 Bob McCaslin, 4th Legislative District.

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

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

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

MESSAGE FROM THE SENATE

February 25, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5035,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5038,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
 5051,
 SUBSTITUTE SENATE BILL NO. 5068,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5119,
 SUBSTITUTE SENATE BILL NO. 5148,
 SUBSTITUTE SENATE BILL NO. 5151,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5190,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5193,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5251,
 SUBSTITUTE SENATE BILL NO. 5267,
 SECOND SUBSTITUTE SENATE BILL NO. 5327,
 SECOND SUBSTITUTE SENATE BILL NO. 5331,

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

HB 1547 by Representatives Chase, McCaslin, Orcutt, Sutherland, Young and Klicker

House Chamber, Olympia, Friday, February 26, 2021

AN ACT Relating to declaring an amnesty for all civil penalties imposed on Washington residents and businesses for the violation of any activity or condition regulated under the emergency proclamations issued in direct response to the novel coronavirus COVID-19; adding a new section to chapter 43.06 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

SSB 5025 by Senate Committee on Law & Justice (originally sponsored by Rolfes, Billig, Conway, Das, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Pedersen, Saldaña, Salomon, Stanford, Van De Wege, Wellman, Wilson and C.)

AN ACT Relating to the consumer protection improvement act; amending RCW 19.86.140 and 4.16.160; creating new sections; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

ESSB 5074 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Wagoner, Dhingra, Wilson and C.)

AN ACT Relating to establishing and expanding safe station pilot programs for persons in need of substance use disorder treatment; adding a new section to chapter 41.05 RCW; adding a new section to chapter 70.385 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

ESSB 5180 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Das, Hunt, Liias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Stanford, Wilson and C.)

AN ACT Relating to vacating certain convictions; amending RCW 9.94A.640 and 9.96.060; reenacting and amending RCW 9.94A.030; adding new sections to chapter 9.94A RCW; and repealing RCW 9.96.070.

Referred to Committee on Public Safety.

2SSB 5183 by Senate Committee on Ways & Means (originally sponsored by Nobles, Dhingra, Das, Hasegawa, Hunt, Keiser, Kuderer, Liias, Mullet,

Nguyen, Rivers, Salomon, Stanford, Wagoner, Wilson and C.)

AN ACT Relating to victims of nonfatal strangulation; adding a new section to chapter 43.280 RCW; adding a new section to chapter 7.68 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Public Safety.

SB 5196 by Senators Billig, Braun, Fortunato, Holy, Hunt, Van De Wege, Wagoner, Wilson and C.

AN ACT Relating to how the legislature may convene a special session; adding a new section to chapter 44.04 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

SB 5202 by Senators Schoesler, Dozier, Honeyford, Keiser, King and Warnick

AN ACT Relating to establishing school district depreciation subfunds for the purposes of preventative maintenance; and reenacting and amending RCW 28A.320.330.

Referred to Committee on Education.

ESSB 5235 by Senate Committee on Housing & Local Government (originally sponsored by Liias, Das, Nguyen, Nobles, Saldaña, Wilson and C.)

AN ACT Relating to increasing housing unit inventory by removing arbitrary limits on housing options; amending RCW 36.70A.696, 36.70A.697, and 36.70A.698; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Local Government.

ESSB 5432 by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle, Nguyen, Conway, Das, Dhingra, Keiser, Liias, Nobles and Randall)

AN ACT Relating to cybersecurity in state government; adding new sections to chapter 43.105 RCW; adding a new section to chapter 39.26 RCW; adding a new section to chapter 39.34 RCW; adding a new section to chapter 42.56 RCW; creating a new section; repealing RCW 43.105.215; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

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

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

SECOND READING

HOUSE BILL NO. 1325, by Representatives Callan, Eslick, Leavitt, Fitzgibbon, Thai, Duerr, Senn, Ortiz-Self, Davis, Bergquist, Ramos, Lekanoff, Pollet, Dent and Goodman

Implementing policies related to children and youth behavioral health.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1325 was substituted for House Bill No. 1325 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1325 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 Callan, Caldier, Eslick and Dent spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Mosbrucker was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1325.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1325, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, 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, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Dufault, Jacobsen, Sutherland and Young.

Excused: Representative Mosbrucker.

SECOND SUBSTITUTE HOUSE BILL NO. 1325, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1061, by Representatives Senn, Dent, Leavitt, Wicks, Slatter, Wylie, Simmons, Kloba, Ortiz-Self, Gregerson, Callan, Young, Morgan, Frame, Santos, Rule and Davis

Concerning youth eligible for developmental disability services who are expected to exit the child welfare system.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1061 was substituted for House Bill No. 1061 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1061 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 Senn 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 Second Substitute House Bill No. 1061.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1061, 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, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mosbrucker.

SECOND SUBSTITUTE HOUSE BILL NO. 1061, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1525, by Representatives Walen, Hansen, Simmons and Slatter

Concerning enforcement of judgments.

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 Walen and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1525.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1525, 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, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mosbrucker.

HOUSE BILL NO. 1525, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1295, by Representatives Callan, Eslick, Ramel, Leavitt, Simmons, Springer, Fitzgibbon, Dolan, Bateman, Shewmake, J. Johnson, Senn, Sutherland, Walen, Peterson, Davis, Goodman, Hackney, Kloba, Fey, Ramos, Frame, Ryu, Macri, Bergquist, Pollet and Stonier

Providing public education to youth in or released from institutional education facilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1295 was substituted for House Bill No. 1295 and the

second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1295 was read the second time.

Representative Callan moved the adoption of amendment (166):

On page 1, line 8, after "Sec. 1." insert "(1)"

On page 1, at the beginning of line 14, insert "(2)"

On page 2, at the beginning of line 1, insert "(3)"

On page 2, at the beginning of line 7, insert "(4)"

On page 2, after line 14, insert the following:

"(5) Although the task of making meaningful reforms to the institutional education system cannot be accomplished through a single legislative act, the legislature intends for this act to be a significant step of progress in better meeting the needs of students who are in or have been involved with the traditional components of the juvenile justice system, with subsequent legislative efforts to be focused on the education of students in other institutional settings, including those in long-term inpatient programs and those with exceptional mental or physical needs."

On page 2, at the beginning of line 15, insert "(6)"

On page 3, line 24, after "habilitation" insert "and child study and treatment"

On page 6, line 27, after "(3)" insert "For purposes of this section, "postresident youth" and "youth" have the same meaning as in section 3 of this act.

(4)"

On page 7, line 5, after "incarceration" insert "or voluntary or involuntary commitment in a long-term psychiatric inpatient program"

On page 8, line 15, after "section" insert ", which must delineate the recipients of the federal funds and how they are being used to support the education needs of youth and postresident youth,"

On page 9, line 6, after "system" insert ". Rules adopted in accordance with this subsection (2)(b) do not apply to institutional education providers at facilities operated by or under the jurisdiction of the department of social and health services"

On page 10, line 36, after "supports." insert "With the exception of funding recommendations required by (a)(ii) of this subsection (1), the recommendations developed under this subsection (1) should be directed toward meeting the education needs of persons who are in or have been released from state long-term juvenile institutions and community facilities operated by the department of children, youth, and families, county juvenile detention centers, and facilities of the department of corrections that incarcerate juveniles committed as adults."

On page 13, line 4, after "(ii)" insert "The department of social and health services;

(iii)"

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

Representatives Callan and Eslick spoke in favor of the adoption of the amendment.

Amendment (166) was adopted.

The bill was ordered engrossed.

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

Representatives Callan and Eslick 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 Second Substitute House Bill No. 1295.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1295, 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, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mosbrucker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1295, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1208, by Representatives Santos, Steele, Lekanoff, Paul, Callan, Ortiz-Self, Bergquist and Harris-Talley

Modifying the learning assistance program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1208 was substituted for House Bill No. 1208 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1208 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 Santos and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1208.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1208, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, 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, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, McEntire, Walsh and Young.

Excused: Representative Mosbrucker.

SUBSTITUTE HOUSE BILL NO. 1208, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 1127, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1348, by Representatives Davis, Schmick, Frame, Leavitt, Simmons, Valdez, Fitzgibbon, Orwall, Ortiz-Self, Slatter, Caldier, Stonier, Peterson, Ramel, Goodman, Taylor, Sutherland, Ryu, Hackney, Lovick, Barkis, Pollet, Macri, Callan, Santos, Ormsby, Tharinger, Riccelli, Lekanoff, Harris-Talley and Harris

Providing medical assistance to incarcerated persons.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1348 was substituted for House Bill No. 1348 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1348 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 Davis and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1348.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1348, 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, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland,

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

Excused: Representative Mosbrucker.

SUBSTITUTE HOUSE BILL NO. 1348, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1225, by Representatives Stonier, Bateman, Lekanoff, J. Johnson, Davis, Cody, Santos, Thai, Ortiz-Self, Ormsby, Valdez, Riccelli and Tharinger

Concerning school-based health centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1225 was substituted for House Bill No. 1225 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1225 was read the second time.

Representative Corry moved the adoption of amendment (148):

On page 3, after line 2, insert the following:

"(4) Each school-based health center that receives grant funding pursuant to this section must obtain parental consent before providing any services to students under the age of 18, notwithstanding any contravening statutory authority or judicial decisions."

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

Representative Callan spoke against the adoption of the amendment.

Amendment (148) 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 Stonier, Riccelli, Ortiz-Self, Ybarra, Harris and Riccelli (again) spoke in favor of the passage of the bill.

Representatives Schmick, Kraft, Klippert, Corry and Walsh spoke against the passage of the bill.

MOTION

On motion of Representative Graham, Representative Griffey was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1225.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1225, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, 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, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

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

Excused: Representatives Griffey and Mosbrucker.

SUBSTITUTE HOUSE BILL NO. 1225, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1502, by Representatives Wylie, Griffey, Ramel, Paul, Lekanoff, Berry, Ortiz-Self, Hackney, Harris-Talley and Pollet

Concerning the procurement and design of electric ferries by counties.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1502 was substituted for House Bill No. 1502 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1502 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 Wylie spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Klippert was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1502.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1502, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

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

Excused: Representatives Klippert and Mosbrucker.

SUBSTITUTE HOUSE BILL NO. 1502, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1510, by Representatives Hackney, Fey, Sutherland, Eslick and Riccelli

Establishing an exemption from certain highway use requirements by nonemergency medical transportation vehicles.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1510 was substituted for House Bill No. 1510 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1510 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 Hackney, Barkis and Eslick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Wylie was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1510.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1510, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, 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, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert, Mosbrucker and Wylie.

SUBSTITUTE HOUSE BILL NO. 1510, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1160, by Representatives Cody, Macri and Pollet

Concerning health provider contracts.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1160 was substituted for House Bill No. 1160 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1160 was read the second time.

Representative Cody moved the adoption of striking amendment (196):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Beginning January 1, 2022, a contract between a hospital or any affiliate of a hospital and a health

carrier may not, directly or indirectly, do any of the following:

(a) Set provider compensation agreements or other terms for affiliates of the hospital that are out of the carrier's network;

(b) Require the health carrier to contract with multiple hospitals owned or controlled by the same single entity. This subsection (1)(b) does not prohibit a health carrier from voluntarily agreeing to contract with other hospitals owned or controlled by the same single entity. If a health carrier voluntarily agrees to contract with other hospitals owned or controlled by the same single entity under this subsection (1)(b), the health carrier must file an attestation with the office of the insurance commissioner that complies with the filing requirements of RCW 48.43.730;

(c) To the extent that a health plan varies enrollee cost-sharing based upon placing participating providers into tiered provider networks, require health carriers to place the hospital or any affiliate in the tier reflecting the lowest or lower enrollee cost-sharing amounts;

(d) Require the health carrier to keep the contract's payment rates confidential from any existing or potential payor that is or may become financially responsible for the payments. This subsection (1)(d) does not prohibit a requirement that any communication of the contract's payment rates to an existing or potential payor be subject to a reasonable nondisclosure agreement.

(2) The attorney general may enforce this section under the consumer protection act, chapter 19.86 RCW. For actions brought by the attorney general to enforce this section, the legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW, and that a violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(3) This section does not prohibit a hospital certified as a critical access hospital by the centers for medicare and

medicaid services or an independent hospital certified as a sole community hospital by the centers for medicare and medicaid services from negotiating payment rates and methodologies on behalf of an individual health care practitioner or a medical group that the hospital is affiliated with.

(4) This section does not apply to the extent that it impairs the ability of a hospital, provider, or health carrier to participate in a state-sponsored, federally funded program, or grant opportunity.

(5) For the purposes of this section:

(a) "Affiliate" means a person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another specified person.

(b) "Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through ownership of voting securities, membership rights, by contract, or otherwise.

(c) "Provider" means:

(i) A health care provider as defined in RCW 48.43.005;

(ii) A participating provider as defined in RCW 48.44.010;

(iii) A health care facility as defined in RCW 48.43.005; and

(iv) Intermediaries that have agreed in writing with a carrier to provide access to providers as defined under this subsection (5)(c) who render covered services to enrollees of a carrier.

(d) "Provider compensation agreement" means any written agreement that includes specific information about payment methodology, payment rates, and other terms that determine the remuneration a carrier will pay to a provider.

(e) "Tiered provider network" means a network that identifies and groups providers and facilities into specific groups to which different provider reimbursement, enrollee cost sharing, or provider access requirements, or any combination thereof, apply as a means to manage cost, utilization, quality, or to otherwise incentivize enrollee or provider behavior.

NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Beginning January 1, 2022, health provider contracts between a health carrier and a provider, may not contain a provision that prohibits the disclosure of health care service claims data to employers providing the coverage. However, any disclosure of claims data must comply with state and federal health privacy laws.

(2) The attorney general may enforce this section under the consumer protection act, chapter 19.86 RCW. For actions brought by the attorney general to enforce this section, the legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW, and that a violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(3) For the purposes of this section, "provider" means:

(a) A health care provider as defined in RCW 48.43.005;

(b) A participating provider as defined in RCW 48.44.010;

(c) A health care facility as defined in RCW 48.43.005; and

(d) Intermediaries that have agreed in writing with a carrier to provide access to providers as defined under this subsection who render covered services to enrollees of a carrier.

NEW SECTION. **Sec. 3.** The insurance commissioner may adopt rules necessary to implement this act."

Correct the title.

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

Striking amendment (196) was adopted.

The bill was ordered engrossed.

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

Representatives Cody and Caldier 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 House Bill No. 1160.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1160, and the bill passed the House by the following vote: Yeas, 60; Nays, 35; Absent, 0; Excused, 3.

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

Voting nay: Representatives Abbarno, Boehnke, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Gilday, Goehner, Griffey, Hoff, Jacobsen, Klicker, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Rude, Schmick, Springer, Steele, Stokesbary, Sutherland, Vick, Walen, Walsh and Young.

Excused: Representatives Klippert, Mosbrucker and Wylie.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1160, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1022, by Representatives MacEwen, Kloba, Peterson, Kirby and Schmick

Modifying Washington state horse racing commission provisions.

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 MacEwen and Kloba 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 House Bill No. 1022.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1022, and the bill passed the House by the following vote: Yeas, 92; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, 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, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, 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, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Bateman, Davis and Ramel.

Excused: Representatives Klippert, Mosbrucker and Wylie.

HOUSE BILL NO. 1022, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1393, by Representatives Shewmake, Ramel, Lekanoff and Duerr

Delaying certain implementation dates for the photovoltaic module stewardship and takeback program.

The bill was read the second time.

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

Representatives Shewmake and Dye 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 House Bill No. 1393.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1393, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3.

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, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele,

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

Voting nay: Representatives McEntire and Walsh.

Excused: Representatives Klippert, Mosbrucker and Wylie.

HOUSE BILL NO. 1393, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1329, by Representatives Wicks, Pollet, Taylor, Ryu, Wylie, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley and Peterson

Concerning public meeting accessibility and participation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1329 was substituted for House Bill No. 1329 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1329 was read the second time.

Representative Goehner moved the adoption of amendment (198):

On page 2, beginning on line 24, strike all of section 4

Correct the title.

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

Representative Pollet spoke against the adoption of the amendment.

Amendment (198) was not adopted.

Representative Wicks moved the adoption of amendment (205):

On page 5, line 24, after "meeting" insert "at which final action is taken"

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

Amendment (205) was adopted.

The bill was ordered engrossed.

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

Representatives Wicks, Caldier, Pollet and Kraft spoke in favor of the passage of the bill.

Representative Goehner 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 House Bill No. 1329.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1329, and the bill passed the House by the following vote: Yeas, 89; Nays, 6; Absent, 0; Excused, 3.

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

Voting nay: Representatives Boehnke, Dufault, Goehner, Jacobsen, Sutherland and Walsh.

Excused: Representatives Klippert, Mosbrucker and Wylie.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1166, by Representatives Leavitt, Caldier, Sutherland, Chopp, Lekanoff, Davis, Shewmake, Pollet, Ramos, Callan, Rule, Gregerson, Bateman, Harris-Talley and J. Johnson

Expanding access to the homeless and foster care college students pilot program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1166 was substituted for House Bill No. 1166 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1166 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 Leavitt spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1166.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1166, and the bill passed the House by the following vote: Yeas, 73; Nays, 22; Absent, 0; Excused, 3.

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

Voting nay: Representatives Boehnke, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Goehner, Hoff, Jacobsen, Kraft, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Schmick, Steele, Vick, Walsh and Young.

Excused: Representatives Klippert, Mosbrucker and Wylie.

SUBSTITUTE HOUSE BILL NO. 1166, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1430, by Representatives Kloba and Klicker

Concerning the duration of state upland leases for lands managed by the department of natural resources.

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 Kloba, Steele and Dent 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 House Bill No. 1430.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1430, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, 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, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert, Mosbrucker and Wylie.

HOUSE BILL NO. 1430, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1023, by Representatives Steele, Tharinger, Callan and Young

Concerning predesign requirements and thresholds.

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 Steele and Tharinger 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 House Bill No. 1023.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1023, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, 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, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert, Mosbrucker and Wylie.

HOUSE BILL NO. 1023, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:30 a.m., February 27, 2021, the 48th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY EIGHTH DAY

House Chamber, Olympia, Saturday, February 27, 2021

The House was called to order at 9:30 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 Dave Paul, 10th Legislative District.

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

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

INTRODUCTION & FIRST READING

HB 1548 by Representatives Klippert and Shewmake

AN ACT Relating to modifying the transportation electrification fee on hybrid vehicles; amending RCW 46.17.324; and creating a new section.

Referred to Committee on Transportation.

HB 1549 by Representatives Klippert and Dent

AN ACT Relating to child care licensing assistance; and adding a new section to chapter 43.216 RCW.

Referred to Committee on Children, Youth & Families.

HB 1550 by Representatives Pollet, Cody, Callan, Taylor, Duerr, Ryu, Valdez and Senn

AN ACT Relating to preventing nicotine addiction with an emphasis on youth and persons under 21 years of age and the funding of prevention, cessation, and public health services through the taxation of vapor and tobacco products containing nicotine; amending RCW 82.04.440, 82.25.005, 82.25.010, 82.25.015, 82.25.020, 82.25.075, 82.25.060, 82.25.080, and 82.32.145; reenacting and amending RCW 70.155.120; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.25 RCW; creating a new section; and providing effective dates.

Referred to Committee on Finance.

SSB 5035 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Nguyen, Billig, Carlyle, Darneille, Das, Hasegawa, Kuderer,

Lias, Lovelett, Mullet, Pedersen, Rolfes, Saldaña, Salomon, Stanford, Wellman, Wilson and C.)

AN ACT Relating to offender scoring of drug offenses; and amending RCW 9.94A.525.

Referred to Committee on Public Safety.

ESSB 5038 by Senate Committee on Law & Justice (originally sponsored by Kuderer, Das, Carlyle, Darneille, Dhingra, Hunt, Lias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Wellman, Wilson and C.)

AN ACT Relating to prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol; reenacting and amending RCW 9.41.300; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

E2SSB 5051 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Dhingra, Darneille, Hunt, Kuderer, Lias, Lovelett, Mullet, Nguyen, Salomon, Stanford, Wellman, Wilson and C.)

AN ACT Relating to state oversight and accountability of peace officers and corrections officers; amending RCW 43.101.010, 43.101.020, 43.101.030, 43.101.040, 43.101.060, 43.101.080, 43.101.085, 43.101.095, 43.101.105, 43.101.115, 43.101.135, 43.101.145, 43.101.155, 43.101.157, 43.101.230, 43.101.390, 43.101.420, 34.12.035, 40.14.070, 43.101.380, 43.101.400, 41.56.905, 49.44.200, and 41.06.040; adding a new section to chapter 41.06 RCW; creating a new section; repealing RCW 43.101.096, 43.101.106, 43.101.116, 43.101.136, 43.101.146, 43.101.156, and 43.101.180; and prescribing penalties.

Referred to Committee on Appropriations.

SSB 5068 by Senate Committee on Ways & Means (originally sponsored by Randall, Rivers, Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Muzzall, Nguyen, Nobles, Saldaña, Salomon, Stanford, Warnick, Wilson and C.)

AN ACT Relating to improving maternal health outcomes by extending coverage during the postpartum

period; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Appropriations.

ESSB 5119 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Hasegawa, Mullet, Nguyen, Robinson, Salomon, Wilson and C.)

AN ACT Relating to individuals in custody; adding a new section to chapter 72.09 RCW; adding a new section to chapter 43.06C RCW; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Appropriations.

SSB 5148 by Senate Committee on Law & Justice (originally sponsored by Frockt, Hunt, Billig, Darneille, Das, Hasegawa, Kuderer, Lovelett, Pedersen, Saldaña, Salomon, Wilson and C.)

AN ACT Relating to the harassment of election officials; amending RCW 9A.46.020; and prescribing penalties.

Referred to Committee on Public Safety.

SSB 5151 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Das, Kuderer, Nobles and Saldaña)

AN ACT Relating to foster care and child care licensing by the department of children, youth, and families; amending RCW 13.34.030, 43.216.015, 43.216.085, 43.216.087, 43.216.089, 43.216.250, 43.216.255, 43.216.260, 43.216.271, 43.216.280, 43.216.305, 43.216.325, 43.216.340, 43.216.360, 43.216.395, 43.216.515, 43.216.530, 43.216.650, 43.216.660, 43.216.685, 43.216.687, 43.216.689, 43.216.690, 43.216.700, 43.216.300, and 74.15.125; reenacting and amending RCW 43.216.010, 43.216.015, and 43.216.020; adding a new section to chapter 43.216 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Appropriations.

ESSB 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, Wilson, C., Wilson and J.)

AN ACT Relating to providing health care workers with presumptive benefits during a public health emergency; amending RCW 50.04.294, 50.20.010, 50.29.021, and 51.52.130; reenacting and amending RCW 50.20.050; adding a new section to chapter 50.04 RCW; adding new sections to chapter 51.32 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

ESSB 5193 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Conway, Keiser, Hasegawa, Wilson and C.)

AN ACT Relating to unemployment insurance systems enhancements, including creating a reserve force of unemployment claim adjudicators, effective and equitable claims processing, and transparent performance metrics; adding new sections to chapter 50.12 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

ESSB 5251 by Senate Committee on Ways & Means (originally sponsored by Schoesler, Brown, Dozier, Gildon, Honeyford, King and Rolfes)

AN ACT Relating to modifying tax and revenue laws in a manner that is not estimated to affect state or local tax collections, by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies; amending RCW 54.28.040, 54.28.055, 82.04.051, 82.04.220, 82.04.2404, 82.04.260, 82.04.261, 82.04.2907, 82.08.0531, 82.08.956, 82.08.9651, 82.08.9999, 82.12.010, 82.12.956, 82.12.9651, 82.14.532, 82.29A.090, 82.32.330, 82.32.534, 82.32.805, 84.40.130, 84.52.0531, 84.52.080, and 84.36.385; reenacting and amending RCW 79.64.110; adding a new section to chapter 82.32 RCW; and repealing RCW 82.25.045.

Referred to Committee on Finance.

SSB 5267 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Saldaña, Stanford, Conway, Das, Hasegawa, Keiser, Kuderer, Wilson and C.)

AN ACT Relating to requiring electrical licensing for electrical work associated with flipping property; and amending RCW 19.28.261 and 19.28.420.

Referred to Committee on Labor & Workplace Standards.

2SSB 5327 by Senate Committee on Ways & Means (originally sponsored by Brown, Frockt, Lovelett, Rivers, Short, Warnick and Wellman)

AN ACT Relating to a confidential youth safety and well-being tip line; adding a new chapter to Title 43 RCW; and prescribing penalties.

Referred to Committee on Children, Youth & Families.

2SSB 5331 by Senate Committee on Ways & Means (originally sponsored by Gildon, Darneille,

Dhingra, Hasegawa, Nguyen, Nobles, Warnick, Wellman, Wilson and C.)

AN ACT Relating to establishing an early childhood court program for young children and their families involved in Washington's child welfare system; adding new sections to chapter 2.30 RCW; and creating a new section.

Referred to Committee on Appropriations.

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

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

SECOND READING

HOUSE BILL NO. 1091, by Representatives Fitzgibbon, Slatter, Berry, Dolan, Bateman, Ramos, Simmons, Ramel, Senn, Peterson, Duerr, Ryu, Valdez, Callan, Kloba, Chopp, Ormsby, Frame, Macri, Pollet, Goodman and Bergquist

Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1091 was substituted for House Bill No. 1091 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1091 was read the second time.

With the consent of the House, amendments (186), (185), (180) and (132) were withdrawn.

Representative Chapman moved the adoption of amendment (155):

On page 2, line 15, after "(3)" insert "The legislature finds that the clean fuel standard created in this chapter will create jobs in Washington state in the production and distribution of sustainable fuels like biofuels from agricultural feedstocks and forest residuals, hydrogen produced from renewable feedstocks, and more. In order to maximize the benefits of this policy to Washington workers while also protecting the environment for current and future generations, it is necessary to uphold and improve upon the state's siting policies. By identifying priority areas of the state for development and by developing methods to further avoid,

minimize, and mitigate environmental impacts consistent with statute, rules, and guidance, Washington can protect its environment, contribute to the global fight against climate change, and support broadly shared prosperity.

(4) "

On page 5, beginning on line 17, strike all of subsection (5)

On page 31, after line 7, insert the following:

"**NEW SECTION. Sec. 24.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, Washington State University's energy program must initiate a least conflict priority clean energy project siting program in coordination with the energy facility site evaluation council, the department of ecology, the department of commerce, the department of fish and wildlife, local governments, clean energy stakeholders, conservation stakeholders, and Indian tribes. This program must engage all relevant agencies, stakeholders, and Indian tribes to identify priority areas in Washington state with the least amount of potential environmental impact and other conflict over competing land uses in the siting of major clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity, or that support the production of such transportation fuel. Washington State University's energy program may identify different priority areas for different types of industrial or manufacturing clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity in sectors including, but not limited to, biofuels, agricultural and forest biomass, hydrogen produced via electrolysis of water, and renewable natural gas.

(2) A project proposed in an area designated under subsection (1) of this section does not receive a guarantee or assurance of being permitted and is subject to review consistent with chapter 43.21C RCW and applicable environmental permit processes. Project proponents are not limited to proposing projects in identified least conflict zones.

(3) The identification of priority areas completed in subsection (1) of this

section must be updated at least once every six years.

NEW SECTION. Sec. 25. A new section is added to chapter 43.21A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department, in consultation with the department of commerce, must periodically convene stakeholders, including all of those identified in section 24 of this act, Indian tribes, and the member agencies of the energy facility site evaluation council to identify and discuss avoidance, minimization, and mitigation of significant likely environmental impacts of clean energy projects specified in section 24 of this act. The environmental impacts identified and discussed must include, but are not limited to, air quality impacts, impacts to land and aquatic habitats, and wildlife impacts that may result from clean energy projects. The department must periodically provide a report to the appropriate committees of the house of representatives and the senate identifying mitigation resources, funding needs, and potential policies and programs to modify permitting and environmental review necessary for construction of clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity, or that support the production of such transportation fuel, in Washington state."

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

POINT OF ORDER

Representative Maycumber requested a scope and object ruling on amendment (155).

SPEAKER'S RULING.

"The title of the bill is an act relating to 'reducing greenhouse gas emissions by reducing the greenhouse gas emission of transportation fuels.' The bill directs the Department of Ecology to establish a Clean Fuels Program and specifies the requirements of that program.

Section 3, subsection 5 of the bill directs the department to improve and expedite State Environmental Policy Act (SEPA) reviews and permit applications for siting projects that would produce or support the production of low carbon transportation fuels.

Amendment (155) eliminates this subsection and directs the WSU Energy program to first identify low conflict sites for the production of low carbon transportation fuels, followed by Department of Ecology review under SEPA. The amendment further directs Ecology to monitor and report on mitigation needs associated with project siting.

Both the bill and the amendment address the siting of projects for the production of low carbon transportation fuels, including environmental review and permitting under SEPA. The Speaker therefore finds and rules that the amendment is within the scope and object of the bill.

The point of order is not well taken."

Representatives Chapman and Slatter spoke in favor of the adoption of the amendment.

Representatives Walsh, Barkis, Boehnke and Orcutt spoke against the adoption of the amendment.

Amendment (155) was adopted.

Representative Dye moved the adoption of amendment (184):

On page 2, line 19, after "from" strike "diesel and"

On page 4, line 13, after "fuel" insert ", other than diesel fuel,"

On page 4, at the beginning of line 20, strike all material through "substitutes"

On page 13, beginning on line 29, after "gasoline" strike "and per gallon of diesel"

Representatives Dye, Barkis, Graham, Kraft, Walsh, Dent, Boehnke, Sutherland, Harris, Schmick, Young, Goehner, Dye (again), Orcutt, Chase and Sutherland (again) spoke in favor of the adoption of the amendment.

Representatives Duerr, Harris-Talley and Fitzgibbon spoke against the adoption of the amendment.

Amendment (184) was not adopted.

Representative Fitzgibbon moved the adoption of amendment (151):

On page 3, beginning on line 16, strike all of subsection (9)

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

Beginning on page 3, line 34, strike all of subsections (14) and (15)

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

On page 6, line 15, after "and" strike "green"

On page 6, beginning on line 24, after "used" strike "only for purposes of the clean fuels program"

On page 7, line 7, after "or" strike "green"

On page 7, beginning on line 19, after "standards" strike all material through "section" on line 20

On page 7, beginning on line 37, after "Washington" strike all material through "program" on line 40

On page 8, line 9, after "fuels" insert ", and electric vehicle manufacturers"

On page 10, line 20, after "sequestration;" strike "or"

On page 10, line 21, after "projects;" insert "or"

(iv) Investments and activities that support deployment of machinery and equipment used to produce gaseous and liquid fuels from nonfossil feedstocks, and derivatives thereof;"

On page 11, line 27, after "(b)" strike "Producers" and insert "Electric vehicle manufacturers and producers"

On page 12, beginning on line 21, after "of" strike all material through "of" on line 22 and insert "hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as"

On page 12, beginning on line 30, after "of" strike all material through "of" on line 31 and insert "hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as"

On page 13, beginning on line 6, after "program." strike all material through "utilities." on line 14 and insert "The department must provide for the establishment and funding of a statewide clean fuel reward program to provide light duty vehicle consumers with reasonable purchase incentives and require that at least some portion of the 50 percent of revenues subject to this subsection be contributed by each electric utility to such a program. The clean fuel reward program must provide a price reduction to vehicle purchasers or lessees at the time of purchase or lease on electric vehicle purchases or leases in Washington. Any requirements for the expenditure of revenues from credits earned from the electricity supplied to

retail customers by an electric utility under the clean fuels program must be developed in consultation with electric utilities, automobile manufacturers, and car dealers."

On page 14, line 14, after "2035." insert "The analysis must be informed by input from stakeholders, including regulated industries, and informed by experience from other jurisdictions. The analysis must impute price impacts using multiple analytical methodologies and must make clear how the assumptions or factors considered differed in each methodology used and price impact imputed."

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

Representative Dye spoke against the adoption of the amendment.

Amendment (151) was adopted.

Representative Robertson moved the adoption of amendment (131):

On page 5, line 2, after "program" strike "of no later than January 1, 2023" and insert ". The rules adopted by the department under this section may not be implemented until the adjournment of the regular legislative session following the submission, in a report to the appropriate committees of the legislature, of an analysis of the final adopted rule by the Washington state institute for public policy. The analysis must:

(i) Determine the impacts of the program on revenues from the state motor vehicle fuel tax, oil spill response tax, oil spill administration tax, hazardous substance tax, and the petroleum products tax; and

(ii) Review the costs associated with the program and analyze whether the program is a cost-effective means of achieving greenhouse gas emissions reductions."

Representatives Robertson, Barkis, Dye, Walsh, Sutherland, Ybarra and McEntire spoke in favor of the adoption of the amendment.

Representatives Fitzgibbon and Ramel spoke against the adoption of the amendment.

Amendment (131) was not adopted.

Representative Abbarno moved the adoption of amendment (134):

On page 5, line 2, after "program" strike "of no later than January 1, 2023" and insert "that begins no earlier than the January 1st following the submission to the appropriate committees of the legislature of the report specified in subsection (6) of this section. The department may not implement the program authorized under this chapter if the office of financial management determines that the program will have significant negative economic impacts on any analyzed economic sectors or if the program will have significantly inequitable demographic or geographic impacts"

On page 5, after line 22, insert the following:

"(6) The office of financial management, in consultation with the office of equity, must contract for an independent economic analysis of the program created in this section at the levels of carbon intensity reduction specified in subsection (2) of this section. The analysis must consider economic impacts through the year 2050 and must include an estimate of the number of employers in Washington positively or negatively impacted by the program, the type of business each impacted employer is engaged in, and the equity of impacts across business sizes, types, and locations. The analysis must also describe the impact on employment by economic sector and describe any inequities of demographic or geographic impacts in those sectors of the economy. The analysis required in this subsection must be completed and submitted to the appropriate committees of the legislature by December 1, 2021."

Representatives Abbarno, Dye, Barkis, McEntire, Sutherland and Abbarno (again) spoke in favor of the adoption of the amendment.

Representatives Fitzgibbon and Duerr spoke against the adoption of the amendment.

Amendment (134) was not adopted.

Representative Boehnke moved the adoption of amendment (135):

On page 5, line 2, after "program" strike "of no later than January 1, 2023"

and insert "that begins no earlier than January 1, 2024. Prior to the implementation of the program, by January 1, 2023, the department, in consultation with the department of commerce, must submit a report to the appropriate committees of the legislature that analyzes the impact to families of labor union members in Washington, comparing personal financial and household outcomes, under the following two scenarios:

(i) The program authorized under this chapter is implemented, consistent with the rules proposed or adopted by the department; and

(ii) The legislature enacts a new transportation revenue package that establishes an additional 10 cent per gallon tax on motor vehicle fuel, the revenue from which is constitutionally guaranteed to have the effect of supporting jobs through the maintenance of the state ferry network, state roads, bridges, and highways"

Representatives Boehnke, Dye and Orcutt spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (135) was not adopted.

Representative Dye moved the adoption of amendment (183):

On page 5, line 2, after "2023." insert "The rules must allow for the establishment of compliance obligations that create the least costs feasible to regulated entities while achieving the emissions reductions required in (a) of this subsection. The establishment of least cost compliance obligations must be achieved, in part, through the establishment of broadly available credit-generating activities and without the establishment of limitations on the number of credits that may be earned by individual entities or that may be earned under specific activity categories."

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

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (183) was not adopted.

Representative Dye moved the adoption of amendment (187):

On page 5, line 2, after "program" strike all material through "2023" and insert "that begins no earlier than the January 1st following the submission to the appropriate committees of the legislature of a report that analyzes and determines whether there are more immediate and less costly ways to reduce the equivalent amount of greenhouse gas emissions forecasted to be achieved during the first year of program operations through the expenditure of \$25,000,000 of public funds by Washington to purchase certified carbon reduction credits in existing markets. The department must contract for the report required under this subsection with an independent consultant with expertise in the transportation fuels sector. In assessing the costs of greenhouse gas emissions reduction options, the report must consider the expected increases in carbon credit prices and low carbon transportation fuel prices driven by regulatory requirements in other jurisdictions. The department may not implement the program authorized under this chapter if it determines that it would be less costly per ton of greenhouse gas emissions reductions achieved to purchase certified carbon reduction credits than to implement the program"

Representative Dye withdrew amendment (187).

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

With the consent of the House, amendments (181), (149), (145) and (119) were withdrawn.

Representative Maycumber moved the adoption of amendment (144):

On page 5, line 32, after "activities." insert "For emissions from changes in land use associated with a transportation fuel, the department must consider the emissions from intentional land-clearing fires in a transportation fuel's country of origin that increase the available land for biofuel and other crop production."

Representatives Maycumber, Barkis and Maycumber (again) spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (144) and the amendment was not adopted by the following vote: Yeas: 41; Nays: 57; Absent: 0; Excused: 0

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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., 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, and Wylie

Representative Paul moved the adoption of amendment (117):

On page 8, line 39, after "program" insert ".

"(c) The department shall harmonize the program's cost containment mechanisms with the cost containment rules in the states specified in section 7(1) of this act.

(d) The department shall consider mechanisms such as the establishment of a credit price cap or other alternative cost containment measures if deemed necessary to harmonize market credit costs with those in the states specified in section 7(1) of this act"

On page 10, line 11, after "requirements." insert "The department must apply the same baseline years to credits associated with electric or alternative transportation infrastructure that apply to gasoline and diesel liquid fuels in any market-based program enacted by the legislature that establishes a cap on greenhouse gas emissions."

On page 10, line 20, after "(ii)" strike "Refinery investments in" and insert "Project-based refinery greenhouse gas mitigation including, but

not limited to, process improvements, renewable hydrogen use, and"

On page 11, line 7, after "requirements" insert "and methods for credit generation"

On page 11, after line 22, insert the following:

"(3) The department must conduct a biennial review of innovative technologies and pathways that reduce carbon and increase credit generation opportunities and must modify rules or guidance as needed to maintain stable credit markets."

On page 14, after line 37, insert the following:

"NEW SECTION. Sec. 12. (1) The department must issue an order declaring an emergency deferral:

(a) No later than 15 calendar days after the date that the department determines that:

(i) There is a known shortage of a fuel or low carbon fuel that is needed for regulated parties to comply with the carbon intensity standard established under section 3 of this act; and

(ii) The magnitude of the shortage of that fuel is greater than the equivalent of five percent of the amount of the fuel forecasted to be available during the effective compliance period; or

(b) Immediately upon the issuance by the governor of a proclamation, executive order, or directive pursuant to declaring an energy emergency under chapter 43.21G RCW due to a shortage of gasoline or diesel.

(2) An order declaring an emergency deferral under this section must set forth:

(a) The duration of the emergency deferral;

(b) The types of fuel to which the emergency deferral applies; and

(c) Which of the following methods the department has selected for deferring compliance with the scheduled applicable carbon intensity standard during the emergency deferral:

(i) Temporarily adjusting the scheduled applicable carbon intensity standard to a standard identified in the order that better reflects the availability of credits during the

emergency deferral and requiring regulated parties to comply with the temporary standard;

(ii) Allowing for the carryover of deficits accrued during the emergency deferral into one or more future compliance periods without penalty; or

(iii) Suspending deficit accrual during the emergency deferral period.

(3)(a) In implementing an emergency deferral, the department may take an action for deferring compliance with the carbon intensity standard other than, or in addition to, selecting a method under subsection (2)(c) of this section only if the department determines that none of the methods under subsection (2)(c) of this section will provide a sufficient mechanism for containing the costs of compliance with the carbon intensity standards during the emergency deferral.

(b) If the department makes the determination specified in (a) of this subsection, the department shall:

(i) Include in the order declaring an emergency deferral the determination and the action to be taken; and

(ii) Provide written notification and justification of the determination and the action to:

(A) The governor;

(B) The president of the senate;

(C) The speaker of the house of representatives; and

(D) The appropriate committees of the house of representatives and the senate.

(4)(a) Except as provided in (b) of this subsection, the duration of an emergency deferral:

(i) Implemented using the method described in subsection (2)(c)(i) of this section may not be less than one calendar quarter; and

(ii) Implemented using a method described in subsection (2)(c)(ii) or (iii) or (3) of this section may not be less than 30 calendar days.

(b) An emergency deferral may not continue past the end of the compliance period during which the emergency deferral is issued.

(c) The department may terminate an emergency deferral prior to the expiration date of the emergency deferral

only if new information becomes available indicating that the shortage for which the emergency deferral was issued has ended. Termination of an emergency deferral is effective 15 calendar days after the date that the order declaring the termination is adopted."

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

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

Representatives Dye and Kraft spoke against the adoption of the amendment.

Amendment (117) was adopted.

Representative Boehnke moved the adoption of amendment (176):

On page 10, line 20, after "sequestration;" strike "or"

On page 10, line 21, after "projects;" insert "or"

(iv) Infrastructure investments in broadband access associated with facilitating remote work and therefore reducing transportation emissions, consistent with the 2021 state energy strategy recommendation. The department must establish a metric for the allocation of credits per foot of installed broadband infrastructure that varies by technology type including, but not limited to, cable, digital subscriber line, and fiber broadband;"

Representatives Boehnke and Slatter spoke in favor of the adoption of the amendment.

Amendment (176) was adopted.

Representative Klicker moved the adoption of amendment (178):

On page 10, line 23, after "commercial" insert ", nonprofit, or public"

Representatives Klicker and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (178) was adopted.

Representative Klicker moved the adoption of amendment (179):

On page 10, line 36, after "(3)" insert "The rules adopted by the department under sections 3 and 4 of this act must allow the generation of credits from the transportation of agricultural products by barge in Washington.

(4) "

Representatives Klicker, Orcutt, Klicker (again), Ybarra, Dye and Klippert spoke in favor of the adoption of the amendment.

Representatives Fitzgibbon and Riccelli spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (179) and the amendment was not adopted by the following vote: Yeas: 43; Nays: 55; Absent: 0; Excused: 0

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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., 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, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, and Wylie

Representative Maycumber moved the adoption of amendment (143):

On page 11, after line 3, insert the following:

"(4) The department may not allow credits to be earned for fuels that are extracted or produced in a country that has not been certified as eligible by the department of labor and industries. By December 1, 2021, the department of labor and industries must publish a list of countries whose extracted or produced fuels are eligible to generate credits under the program. The department of labor and industries must update this list by December 1st of each year, for purposes of determining credit eligibility for fuels during the

following program year. In order to certify that a fuel is eligible to generate credits under the program, the department of labor and industries must determine that the fuel was extracted or produced in a country that has laws that provide the following labor rights:

- (a) The freedom of association and protection of the right to organize;
- (b) The right to bargain collectively;
- (c) The right to strike;
- (d) A prohibition of forced labor;
- (e) Minimum employment standards, such as minimum wages and overtime pay, covering wage earners, including those not covered by collective agreements;
- (f) Elimination of employment discrimination on the basis of race, religion, age, sex, or other grounds as determined by each country's domestic laws;
- (g) Equal pay for men and women;
- (h) Prevention of occupational injuries and illnesses;
- (i) Compensation in cases of occupational injuries and illnesses; and
- (j) Protection of migrant workers."

Representative Maycumber and Maycumber (again) spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (143) and the amendment was not adopted by the following vote: Yeas: 45; Nays: 53; Absent: 0; Excused: 0

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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells,

Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Tharinger, Valdez, Wicks, and Wylie

Representative Abbarno moved the adoption of amendment (136):

On page 11, after line 22, insert the following:

"(3) In any reports to the Legislature under section 10 of this act, on the department's website, or in other public documents or communications that refer to assumed public health benefits associated with the program created in this chapter, the department must distinguish between public health benefits from small particulate matter and other conventional pollutant reductions achieved primarily as a result of vehicle emission standards established under RCW chapter 70A.30, and the incremental benefits to air pollution attributable to the program created under this chapter."

Representatives Abbarno and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (136) was adopted.

Representative Stokesbary moved the adoption of amendment (154):

On page 14, line 14, after "2035." insert "The analysis must also examine the anticipated cost impacts, through 2035, of the forecasted fuel price changes to persons that earn less than the state median income. Based on this analysis, the department must determine the amount per recipient, and the cost overall to the state, to establish a rebate program to offset the fuel cost increases to persons that earn less than the state median income, for each year through 2035."

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

Representative Ramel spoke against the adoption of the amendment.

Amendment (154) was not adopted.

Representative Goehner moved the adoption of amendment (156):

On page 14, after line 16, insert the following:

"(5) The department must determine if the credits issued under this program before December 31, 2028, satisfy the requirement to reduce the carbon intensity of transportation fuel by 10 percent below 2017 levels. The department must make this determination by March 31, 2029. If the department determines that the carbon intensity of transportation fuels has not been reduced by at least 50 percent of the 2028 target, the department must issue a press release and notify the governor and the appropriate committees of the legislature, and the program created by this chapter is deemed scheduled for sunset review and termination pursuant to chapter 43.131 RCW."

On page 31, after line 7, insert the following:

"**NEW SECTION. Sec. 24.** A new section is added to chapter 43.131 RCW to read as follows:

If the clean fuels program fails to meet carbon intensity reduction targets determined consistent with section 10 of this act, the authorization for the department of ecology to implement a clean fuels program created in this act must be reviewed and terminated on January 1, 2031, as provided in section 25 of this act.

NEW SECTION. Sec. 25. A new section is added to chapter 43.131 RCW to read as follows:

If the clean fuels program fails to meet carbon intensity reduction targets determined by section 10 of this act by 2028, consistent with section 24 of this act, the following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2032:

- (1) RCW 70A.--.--- and 2021 c . . . s 1 (section 1 of this act);
- (2) RCW 70A.--.--- and 2021 c . . . s 2 (section 2 of this act);
- (3) RCW 70A.--.--- and 2021 c . . . s 3 (section 3 of this act);
- (4) RCW 70A.--.--- and 2021 c . . . s 4 (section 4 of this act);
- (5) RCW 70A.--.--- and 2021 c . . . s 5 (section 5 of this act);
- (6) RCW 70A.--.--- and 2021 c . . . s 6 (section 6 of this act);
- (7) RCW 70A.--.--- and 2021 c . . . s 7 (section 7 of this act);

(8) RCW 70A.--.--- and 2021 c . . . s 8 (section 8 of this act);

(9) RCW 70A.--.--- and 2021 c . . . s 9 (section 9 of this act);

(10) RCW 70A.--.--- and 2021 c . . . s 10 (section 10 of this act);

(11) RCW 70A.--.--- and 2021 c . . . s 11 (section 11 of this act);

(12) RCW 70A.--.--- and 2021 c . . . s 12 (section 12 of this act); and

(13) RCW 70A.--.--- and 2021 c . . . s 13 (section 13 of this act)."

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

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

Representative Duerr spoke against the adoption of the amendment.

Amendment (156) was not adopted.

Representative Stokesbary moved the adoption of amendment (142):

On page 16, at the beginning of line 23, strike "(1)"

On page 16, beginning on line 27, strike all of subsection (2)

On page 16, after line 28, insert the following:

"NEW SECTION. Sec. 15. (1) This section is the tax preference performance statement for the tax preference contained in section 14 of this act. This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to:

- (a) Lower the cost of clean energy technology and clean fuel standard compliance; and

(b) Incentivize the development of clean energy businesses in the state.

(4) If a review finds that the economic benefit from the clean fuel program with respect to clean fuel technology and emissions reduction is greater than the total increase in the cost of fuel plus the total economic cost of any jobs lost as a result of the clean fuels program, then the legislature intends to extend the expiration date of the tax preference. In reviewing the tax preference, the joint legislative audit and review committee must, to the extent possible, evaluate the impacts of the preference on clean energy technology businesses in Washington.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

(6) The department of revenue must include the tax preference contained in section 14 of this act in the quadrennial tax exemption report prepared pursuant to RCW 43.06.400."

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

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

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (142) was not adopted.

Representative Barkis moved the adoption of amendment (150):

Beginning on page 16, line 29, strike all of sections 15 through 19

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Barkis and Orcutt spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (150) was not adopted.

The bill was ordered engrossed.

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

Representatives Fitzgibbon, Harris-Talley, Ramel, Chapman, Duerr and Senn spoke in favor of the passage of the bill.

Representatives Dye, Walsh, Klippert, Sutherland, Jacobsen, Gilday, Schmick, Orcutt, Klicker, Dent, Eslick, Chase, Dufault and Barkis 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 Third Substitute House Bill No. 1091.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1091, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

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

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

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1054, by Representatives J. Johnson, Entenman, Dolan, Ryu, Berry, Simmons, Bateman, Kloba, Lekanoff, Duerr, Fitzgibbon, Slatter, Wylie, Ramos, Berg, Tharinger, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Valdez, Callan, Hackney, Morgan, Chopp, Cody, Ormsby, Taylor, Frame, Santos, Macri, Davis, Pollet, Bergquist and Harris-Talley

Establishing requirements for tactics and equipment used by peace officers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1054 was substituted for House Bill No. 1054 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1054 was read the second time.

With the consent of the House, amendments (174), (189) and (175) were withdrawn.

Representative Klippert moved the adoption of amendment (188):

On page 2, line 4, after "chokehold" strike "or neck restraint"

On page 2, line 5, after "officer" insert "except in circumstances where use of deadly force is justifiable under chapter 9A.16 RCW"

On page 2, beginning on line 6, after "(2)" strike all material through "(3)" on line 8 and insert "The criminal justice training commission shall conduct a study to determine whether the use of a lateral vascular neck restraint constitutes deadly force, as defined in RCW 9A.16.010. The criminal justice training commission shall publish its findings in a report on its website by December 1, 2021. If the criminal justice training commission determines that the use of a lateral vascular neck restraint does not constitute deadly force, then the report required under this section must include a determination as to the appropriate circumstances for use of a lateral vascular neck restraint by a peace officer.

(3) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with subsection (1) of this section and the determination made by the criminal justice training commission under subsection (2) of this section.

(4) "

On page 2, line 12, after "(b)" strike all material through "flow" on line 14 and insert "'Lateral vascular neck restraint" means the use of a control technique where pressure is applied to the sides of the neck, using a combination of physiological factors to restrict blood flow to the brain, which may cause the subject to temporarily lose consciousness"

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

Representative J. Johnson spoke against the adoption of the amendment.

Amendment (188) was not adopted.

Representative Griffey moved the adoption of amendment (202):

On page 2, beginning on line 9, after "'Chokehold'" strike "refers to any tactic in which direct pressure is applied to a person's trachea or windpipe or any other tactic intended to restrict" and insert "means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting"

Representatives Griffey and Goodman spoke in favor of the adoption of the amendment.

Amendment (202) was adopted.

Representative Mosbrucker moved the adoption of amendment (177):

On page 2, beginning on line 15, after "(1)" strike all material through "section" on line 18 and insert "The criminal justice training commission shall convene a work group to develop a model policy for the training and use of canine teams.

(2) The criminal justice training commission must ensure that the work group is equally represented between community and law enforcement stakeholders, including the following: Families who have lost loved ones as a result of violent interactions with law enforcement; an organization advocating for civil rights; a state-wide organization advocating for Black Americans; a state-wide organization advocating for Latinos; a state-wide organization advocating for Asian Americans, Pacific Islanders, and Native Hawaiians; a federally recognized tribe located in Washington state; a community organization from eastern Washington working on police accountability; a community organization from western Washington working on police accountability; a community organization serving persons who are unhoused; the faith-based community with advocacy on police accountability; an emergency room doctor with relevant experience; Washington association of sheriffs and

police chiefs; Washington state patrol; Washington fraternal order of police; Washington council of police and sheriffs; Washington state patrol troopers association; council of metropolitan police and sheriffs; teamsters local 117; and Washington state police canine association.

(3) The model policy work group shall consider:

(a) Training curriculum, including the history of race and policing;

(b) Circumstances where the deployment of a canine may not be appropriate;

(c) Circumstances where deployment of a canine on leash may be appropriate;

(d) Strategies for reducing the overall rate of canine bites;

(e) Circumstances where a canine handler should consider the use of tactics other than deploying a canine;

(f) Explicitly prohibiting the use of canines for crowd control purposes;

(g) Canine reporting protocols;

(h) Circumstances where the use of voluntary canines and canine handlers may be appropriate; and

(i) Identifying circumstances that would warrant the decertification of canine teams.

(4) The criminal justice training commission shall publish the model policy on its website by January 1, 2022.

(5) This section expires July 1, 2022"

Representatives Mosbrucker and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (177) was adopted.

Representative Goodman moved the adoption of amendment (137):

On page 2, at the beginning of line 20, beginning with "purchase" strike all material through "'tear" on line 22 and insert "use or authorize its peace officers or other employees to use tear gas unless necessary to alleviate a present risk of serious harm posed by a riot, barricaded subject, or hostage situation. Prior to deploying tear gas, the officer or employee shall:

(a) Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances;

(b) Obtain authorization to use tear gas from the chief law enforcement officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted as provided under this section;

(c) Announce to the subject or subjects the intent to use tear gas;

(d) Allow sufficient time and space for the subject or subjects to comply with the officer's or employee's directives; and

(e) Announce to the subject or subjects for a second time, immediately prior to deploying tear gas, the intent to use tear gas.

(2) For the purposes of this section:

(a) "Chief law enforcement officer" refers to the chief law enforcement officer of the law enforcement agency, including: the sheriff or chief for a general authority Washington law enforcement agency; and the executive head of the department or agency for a limited authority Washington law enforcement agency, such as the secretary of corrections for the department of corrections.

(b) "Tear"

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

Amendment (137) was adopted.

Representative Boehnke moved the adoption of amendment (182):

On page 2, line 33, after "section" strike ", "military" and insert ":

(a) "Military"

On page 3, line 2, after "grenades," strike "grenade launchers,"

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

"(b) "Grenade" refers to any explosive grenade designed to injure or kill subjects, such as a fragmentation grenade or anti-tank grenade, or any incendiary grenade designed to produce intense heat or fire. "Grenade" does not include other non-explosive grenades designed to

temporarily incapacitate or disorient subjects without causing permanent injury, such as a stun grenade, sting grenade, smoke grenade, tear-gas grenade, or blast ball."

Representatives Boehnke and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (182) was adopted.

Representative Klippert moved the adoption of amendment (170):

On page 2, beginning on line 35, beginning with "silencers" strike all material through "devices," on page 3, line 1 and insert "armed and armored drones, tanks,"

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

Representative Ramos spoke against the adoption of the amendment.

Amendment (170) was not adopted.

Representative Gilday moved the adoption of amendment (173):

On page 2, at the beginning of line 35, strike "silencers,"

Representatives Gilday and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (173) was adopted.

Representative Graham moved the adoption of amendment (195):

On page 3, line 14, after "that" strike "uniformed peace officers" and insert "peace officers required to wear class A or B uniforms"

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

Representatives Goodman and J. Johnson spoke against the adoption of the amendment.

Amendment (195) was not adopted.

Representative Robertson moved the adoption of amendment (191):

On page 3, beginning on line 22, after "(a)" strike all material through "(2)"

on line 35 and insert "There is reasonable suspicion to believe a person in the vehicle has committed or is committing a criminal offense, and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks associated with the vehicular pursuit under the circumstances;

(b) The officer notifies a supervising officer immediately upon initiating the vehicular pursuit, informing the supervisor of the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle;

(c) The officer complies with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit;

(d) The officer complies with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable; and

(e) The officer, in consultation with the supervising officer, considers alternatives to the vehicular pursuit.

(2) A supervising officer shall order the termination of any vehicular pursuit not meeting the requirements under subsection (1) of this section.

(3) "

On page 4, after line 4, insert the following:

"(4) For the purposes of this section, "vehicular pursuit" means an attempt by a uniformed, law enforcement officer in an officially marked patrol vehicle to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle, and the operator of the moving vehicle appears to be resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a manner that endangers the safety of the community or the officer."

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

Representative Goodman spoke against the adoption of the amendment.

Amendment (191) was not adopted.

Representative Maycumber moved the adoption of amendment (172):

On page 4, beginning on line 1, after "unless" strike all material through "harm" on line 4 and insert "the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer"

Representatives Maycumber and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (172) was adopted.

Representative Klippert moved the adoption of amendment (190):

On page 4, beginning on line 12, after "(2)" strike all material through "warrant" on line 15 and insert "An officer may seek and a court may issue a search or arrest warrant granting an advance exception to the requirement for the officer to provide notice of his or her office and purpose when executing the warrant only when the totality of the circumstances are so exigent that the advance exception to the requirement is necessary to preserve life and provide for public safety"

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

Representative Hackney spoke against the adoption of the amendment.

Amendment (190) was not adopted.

The bill was ordered engrossed.

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

Representative J. Johnson's remarks on Final Passage of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054:

"Thank you so much Mr. Speaker. Today is a historic day. I want to begin by saying that we value and appreciate our peace officers for their selfless work that they do in our communities every single day to make us safe. The officers that put on the badge and uniform every day and do their jobs with honor and with respect to their profession. Just as

you've put on the badge and uniform every day for so many decades, Mr. Speaker.

However, we also know that systemic racism exists, along with the need for change, across all of our institutions. And that includes law enforcement, Mr. Speaker. In many cases bad policing is just a result of bad policy. And we have witnessed the evidence of unnecessary police violence and tactics that has produced negative outcomes predominately for communities of color.

Last summer, I remember, we all remember, we watched for eight minutes and forty-six seconds as an officer acted with impunity, his knee on the neck of brother George Floyd. Choking him to death over an allegedly counterfeit twenty-dollar bill. A twenty-dollar bill. If you're locally in Tacoma, we heard the words "I can't breathe" from the lips of brother Manny Ellis. Who was pinned to the ground while in custody and held under a neck restraint. We listened to hours of audio in the last moments in the life of sister, Breonna Taylor. Gunned down while laying in her own bed. Following a court issued 'no knock' warrant to the wrong home.

And last summer, Mr. Speaker, we saw thousands of our fellow community members, from elementary school students to great grandmothers, all united, in an incredible showing of solidarity following these deaths.

Mr. Speaker, while black and brown communities have sounded this alarm for decades, there was finally a call from the majority to reform our system. I want to thank the organizers, the advocates and the law enforcement that helped to craft this legislation. But most importantly, I want to acknowledge the countless families of loved ones who have died at the hands of police violence. You shared your stories with us despite unimaginable pain and suffering. You helped us develop this bill. And while the policy details may be complex, the values behind this legislation can be distilled into a single sentence. That preserving and protecting human life must be the most fundamental value of our law enforcement.

Today some tactics used by law enforcement do not uphold that value. Furthermore, the different standards that we see across our state leads to confusion and also sows more distrust in the system. You know, Mr. Speaker, one of the many things I have learned in the last year in this position is that the legislative process can be slow. But we can make it work. We can make nuanced ideas become realities. And when talking about these ideas we can bring everyone to the table. I am so proud and grateful for those who have stepped up to have these difficult conversations. To produce this legislation that fixes two problems. Setting a baseline standard for acceptable police tactics in our state. And equipment that can and should be used. Banning or at least restricting harmful tactics based on the lived experiences of all Washingtonians. And this bill also helps us to begin the long and difficult process of rebuilding trust between law enforcement and communities of color.

But together, Mr. Speaker, we can deliver on true public safety that is equitable and just because justice is simply just us coming together to make policy that can have infinite impact.

Mr. Speaker, please, I urge you, vote yes to help make our state safer. To finally say to these families and the broader community, we hear you, we see you, and we will

not idly stand by. Vote yes to say that we stand with you not only in times of comfort and convenience but in times of challenge and controversy.

And finally, Mr. Speaker vote yes to say loudly and clearly that unnecessary police violence must end.

Thank you, Mr. Speaker.”

Representatives J. Johnson, Hackney and Entenman spoke in favor of the passage of the bill.

Representatives Klippert, Dufault, Graham, Walsh, Maycumber and Mosbrucker spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative MacEwen was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1054.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1054, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, 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, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

Excused: Representative MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054, having received the necessary constitutional majority, was declared passed.

MOTION

Representative Stonier moved that the remarks of Representative J. Johnson be spread upon the Journal.

The motion to spread the remarks of Representative J. Johnson was adopted.

There being no objection, the House adjourned until 9:00 a.m., March 1, 2021, the 50th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTIETH DAY

House Chamber, Olympia, Monday, March 1, 2021

The House was called to order at 9:00 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 Sharon Shewmake, 42nd Legislative District.

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

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

MESSAGE FROM THE SENATE

February 26, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5003,
 SUBSTITUTE SENATE BILL NO. 5009,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
 5052,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5118,
 ENGROSSED SENATE BILL NO. 5158,
 SUBSTITUTE SENATE BILL NO. 5228,
 SUBSTITUTE SENATE BILL NO. 5258,
 SECOND SUBSTITUTE SENATE BILL NO. 5313,
 SUBSTITUTE SENATE BILL NO. 5325,
 SENATE BILL NO. 5345,
 SENATE BILL NO. 5367,
 SUBSTITUTE SENATE BILL NO. 5376,
 SECOND SUBSTITUTE SENATE BILL NO. 5383,
 SECOND SUBSTITUTE SENATE BILL NO. 5396,
 SENATE BILL NO. 5431,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5439,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

SECOND READING

HOUSE BILL NO. 1416, by Representatives Walen and Santos

Concerning the reporting of debt information by insurers to enhance the collection of past-due child support.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1416 was substituted for House Bill No. 1416 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1416 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 Walen spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1416.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1416, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Boehnke, Dufault, Eslick, McCaslin, McEntire, Orcutt, Sutherland and Walsh.

SUBSTITUTE HOUSE BILL NO. 1416, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1416.

Representative Dufault, 15th District

SECOND READING

HOUSE BILL NO. 1105, by Representatives Kloba, Simmons, Fitzgibbon, Dolan, Ortiz-Self, Goodman, Vick, Ormsby, Riccelli, Santos, Macri and Davis

Concerning arrest protections for the medical use of cannabis.

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 Kloba 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 House Bill No. 1105.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1105, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Calder, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gilday, Graham, Harris, Klicker, Klippert, Kraft, Kretz, Leavitt, Maycumber, McCaslin, Mosbrucker, Robertson, Schmick, Sutherland, Vick, Volz, Wilcox and Ybarra.

HOUSE BILL NO. 1105, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 1105.

Representative Jacobsen, 25th District

SECOND READING

HOUSE BILL NO. 1399, by Representatives Vick, Kirby, Jacobsen, Simmons, Dufault, Dolan and Young

Reducing barriers to professional licensure for individuals with previous criminal convictions.

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 Vick and Kirby 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 House Bill No. 1399.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1399, 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, Calder, 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.

HOUSE BILL NO. 1399, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1426, by Representatives Santos, Lekanoff, J. Johnson, Ortiz-Self, Davis, Simmons, Bergquist, Callan, Berg and Pollet

Specifying minimum continuing education requirements for administrator and teacher certificate renewals that focus on equity-based school and classroom practices.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1426 was substituted for House Bill No. 1426 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1426 was read the second time.

Representative Santos moved the adoption of amendment (218):

On page 2, beginning on line 1, after "(4)" strike all material through "align" on line 11 and insert "(a) Except as provided under (b) of this subsection (4), continuing education must be provided by one or more of the following entities, if they are an approved clock hour provider:

(i) The office of the superintendent of public instruction;

(ii) A school district;

(iii) An educational service district;

(iv) A Washington professional educator standards board-approved administrator or teacher preparation program;

(v) The association of Washington school principals; or

(vi) The Washington education association.

(b) Continuing education related to government-to-government relationships with federally recognized tribes must be provided by one or more subject matter experts approved by the governor's office on Indian affairs in collaboration with the tribal leaders congress on education and the office of native education in the office of the superintendent of public instruction.

(5) Continuing education focused on equity-based school practices must be aligned"

Representatives Santos and Ybarra spoke in favor of the adoption of the amendment.

Amendment (218) was adopted.

The bill was ordered engrossed.

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

Representatives Santos and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1426.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1426, and the bill passed the House by the following vote: Yeas, 74; Nays, 24; Absent, 0; Excused, 0.

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

Voting nay: Representatives Chandler, Chase, Corry, Dufault, Dye, Gilday, Graham, Hoff, Klicker, Klippert, Kraft, Kretz, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Stokesbary, Sutherland, Vick, Walsh and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1365, by Representatives Gregerson, Stonier, Ramos, Callan, Simmons, J. Johnson, Taylor, Lovick, Leavitt, Ortiz-Self, Berg, Fitzgibbon, Ryu, Morgan, Wicks, Tharinger, Duerr, Ormsby, Hansen, Berry, Dolan, Valdez, Cody, Bronoske, Senn, Bateman, Bergquist, Kloba, Riccelli, Davis, Macri, Ramel, Harris-Talley, Pollet and Sells

Procuring and supporting appropriate computers and devices for public school students and instructional staff.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1365 was substituted for House Bill No. 1365 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1365 was read the second time.

With the consent of the House, amendment (235) was withdrawn.

Representative Santos moved the adoption of amendment (244):

On page 2, beginning on line 6, after "Therefore," strike all material through "services to" on line 12 and insert "the purposes of this act are to: (a) Accelerate student access to learning devices and related goods and services; (b) expand training programs and technical assistance on using technology to support student learning; and (c) build the capacity of schools and districts to support digital navigation services for"

On page 3, line 9, after "district" strike "purchases" and insert "purchasing"

On page 3, line 11, after "technology-related" strike "services and products" and insert "goods and services"

On page 3, line 13, after "selecting" strike "services and products" and insert "goods and services"

Beginning on page 3, line 39, after "to" strike all material through "of" on page 4, line 5 and insert "advance the following objectives:

(a) Attain a universal 1:1 student to learning device ratio;

(b) Expand technical support and training of school and district staff in using technology to support student learning; and

(c) Develop district-based and school-based capacity to assist students and their families in accessing and using technology to support"

On page 4, line 38, after "other" strike "data-related" and insert "data related to"

On page 5, line 2, after "the" strike "goals" and insert "objectives"

On page 5, beginning on line 10, after "accomplishing the" strike all material through "act" on line 11 and insert "following: (i) Accelerate student access to learning devices and related goods and services; (ii) expand training programs and technical assistance on using technology to support student learning; and (iii) build the capacity of schools and districts to support digital navigation services for students and their families"

On page 5, beginning on line 14, after "on" strike all material through "families" on line 22 and insert "innovative and collaborative activities occurring in communities across the state

to support widespread public technology literacy and fluency, as well as student universal access to learning devices"

Representatives Santos and Ybarra spoke in favor of the adoption of the amendment.

Amendment (244) was adopted.

Representative Jacobsen moved the adoption of amendment (247):

On page 2, line 38, after "training" insert ", in consultation with teacher-librarians through school library information and technology programs as defined in RCW 28A.320.240, and"

On page 3, line 24, after "families." insert "The educational service districts must seek to consult teacher-librarians and other relevant information technology programs to determine where there is a need and focus for this training."

Representatives Jacobsen and Stonier spoke in favor of the adoption of the amendment.

Amendment (247) was adopted.

Representative Senn moved the adoption of amendment (241):

On page 3, line 30, after "districts." insert "Technology training under this section may also be offered to child care providers."

Representatives Senn and Berg spoke in favor of the adoption of the amendment.

Representative Ybarra spoke against the adoption of the amendment.

Amendment (241) was adopted.

The bill was ordered engrossed.

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

Representatives Gregerson, Santos, Stonier and Berg spoke in favor of the passage of the bill.

Representatives Ybarra, Young, Kretz, Walsh, Young (again) 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 Second Substitute House Bill No. 1365.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1365, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1365, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1155, by Representatives Riccelli, Ormsby and Lekanoff

Concerning sales and use tax for emergency communication systems and facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1155 was substituted for House Bill No. 1155 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1155 was read the second time.

Representative Volz moved the adoption of amendment (141):

On page 2, after line 26, insert the following:

"(c) The provisions of (a) and (b) of this subsection do not apply to any renewal of the tax authorized under this section."

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

"(c) The provisions of (a) and (b) of this subsection do not apply to any

renewal of the tax authorized under this section."

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

Representative Riccelli spoke against the adoption of the amendment.

Amendment (141) was not adopted.

Representative Volz moved the adoption of amendment (140):

On page 3, beginning on line 8, after "section," strike all material through "later" on line 13 and insert "then the city or county may invoke binding arbitration on the equitable allocation of the tax authorized under this section by giving written notice to the other party. Notice must request arbitration within 30 days. The city and county each shall select one arbitrator, and the initial two arbitrators shall select a third arbitrator. The decision of a majority of the arbitrators is binding. The arbitrators shall take into consideration public safety impacts, current levels of service, response times, financial efficiencies, and jurisdictional collaboration"

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

Representative Springer spoke against the adoption of the amendment.

Amendment (140) was not adopted.

Representative Chase moved the adoption of striking amendment (213):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A study group for the use of sales and use tax for emergency communication systems and facilities for the largest county east of the Cascade mountains is created.

(2) The study group membership must include the following:

(a) The speaker of the house of representatives shall appoint one member from each of the largest caucuses in the house of representatives. The member selected shall come from a legislative district that includes all or part of the

largest county east of the Cascade mountains.

(b) The president of the senate shall appoint one member from each of the largest caucuses in the senate. The member selected shall come from a legislative district that includes all or part of the largest county east of the Cascade mountains.

(c) The president of the senate and the speaker of the house of representatives shall jointly appoint four elected officials as follows:

(i) One member of the county commission for the largest county east of the Cascade mountains;

(ii) One member from each of the city councils in the two largest cities located in the largest county east of the Cascade mountains; and

(iii) One member from one of the city councils from a small city or town located in the largest county east of the Cascade mountains.

(d) Each member selected pursuant to (c) of this subsection must appoint one citizen member.

(e) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(i) The county sheriff for the largest county east of the Cascade mountains;

(ii) The chief of the fire department from the largest fire department in the largest county east of the Cascade mountains;

(iii) The chief of a fire department located in the largest county east of the Cascade mountains as selected by the remaining fire departments in the largest county east of the Cascade mountains;

(iv) Two members selected by the largest union representing fire department members in the largest county east of the Cascade mountains;

(v) One member selected by the union representing the members of the sheriff's department for the largest county east of the Cascade mountains;

(vi) One member selected by the union representing the police department members of the largest city located in the largest county east of the Cascade mountains; and

(vii) One member selected by local tribes with a presence in the largest county east of the Cascade mountains.

(f) The members appointed pursuant to (a) through (e) of this subsection must appoint two additional members with expertise on racial equity.

(3) The study group must select a chair and vice chair from among its membership. The members appointed in subsection (2)(a) and (b) of this section must convene the initial meeting of the study group.

(4) Members appointed pursuant to subsection (2)(a) through (c) of this section may designate an alternate individual to represent them at meetings.

(5) Funding for the study group will be provided on a per capita basis between the two largest cities located in the largest county east of the Cascade mountains and the unincorporated portion of the largest county east of the Cascade mountains. Funds must be held by the county treasurer of the largest county east of the Cascade mountains in a designated account and may only be used for direct costs related to the study group.

(6) The study group must review the following issues related to the sales and use tax for emergency communication systems and facilities:

(a) Public safety impacts;

(b) Current and projected levels of service;

(c) Response times;

(d) Financial efficiencies;

(e) Jurisdictional efficiencies; and

(f) Racial equity impacts.

(7) The study group must issue a report to the legislature addressing, at a minimum, the issues listed in subsection (6) of this section by December 31, 2022.

(8) Legislative members of the study group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(9) For the purposes of this section, the "largest county east of the Cascade mountains" and "largest cities" in that county must be determined by population.

(10) This section expires January 1, 2023."

Correct the title.

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

Representatives Berg and Riccelli spoke against the adoption of the striking amendment.

Striking amendment (213) was not adopted.

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

Representative Riccelli and Riccelli (again) spoke in favor of the passage of the bill.

Representatives Volz, Graham, Chase, Graham (again) and Volz (again) spoke against the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Frame was excused

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1155.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1155, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

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

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

Excused: Representative Frame.

SUBSTITUTE HOUSE BILL NO. 1155, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1320, by Representatives Goodman, Thai, Fitzgibbon, Hackney, Wylie, Gregerson, Senn, Ortiz-Self, Davis, Valdez, Lekanoff, Macri, Slatter and Peterson

Modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1320 was substituted for House Bill No. 1320 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1320 was read the second time.

Representative Goodman moved the adoption of amendment (224):

Beginning on page 8, line 16, strike all of section 2 and insert the following:

"**NEW SECTION. Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

(2) "Abuse," for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. "Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:

(a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for

convenience or discipline, or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

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

(d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.

(e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

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

treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Coercive control" means a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty and is used to cause another to suffer physical or psychological harm. Examples of coercive control include, but are not limited to, unreasonably engaging in any of the following:

(a) Making threats of harm, dependence, isolation, intimidation, and/or physical forms of violence;

(b) Isolating the other party from friends, relatives, or other sources of support;

(c) Depriving the other party of basic necessities or committing other forms of economic abuse;

(d) Controlling, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or access to services;

(e) Compelling the other party by force, threat of force, or intimidation, including threats based on actual or suspected immigration status such as threats to contact federal agencies, to engage in conduct from which the other party has a right to abstain or to abstain from conduct in which the other party has a right to engage;

(f) Using technology, including, but not limited to, cyberstalking, monitoring, surveillance, impersonation, or distribution of intimate images, to harass, stalk, or abuse;

(g) Engaging in vexatious or abusive litigation against a petitioner to harass, coerce, or control the petitioner; to diminish or exhaust the petitioner's financial resources; or to compromise the petitioner's employment or housing;

(h) Engaging in psychological aggression; and

(i) Frightening, humiliating, degrading, or punishing the other party.

(5) "Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary

agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.

(6)(a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

(b) In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether:

(i) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;

(ii) The respondent has been given clear notice that all further contact with the petitioner is unwanted;

(iii) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;

(iv) The respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to:

(A) Protect property or liberty interests;

(B) Enforce the law; or

(C) Meet specific statutory duties or requirements;

(v) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or

(vi) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

(7) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

(8) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(9) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or

(b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

(10) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(11) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes, but is not limited to, clothing, cribs, bedding, medications, personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.

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

(13) "Family or household members" means: (a) Persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-

child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and (d) a person who is acting or has acted as a legal guardian.

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

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

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

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

(15) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Firearm" also includes parts that can be assembled to make a firearm.

(16) "Full hearing" means a hearing where the court determines whether to issue a full protection order.

(17) "Full protection order" means a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. "Full protection order" includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing.

(18) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

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

(20) "Intimate partner" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older.

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

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

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

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92 RCW or

prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(22) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

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

(24) "Minor" means a person who is under 18 years of age.

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

(26) "Nonconsensual" means a lack of freely given consent.

(27) "Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, and contact through third parties.

(28) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

(29) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical

restraint" does not include (a) briefly holding, without undue force, a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(30) "Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.

(31) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

(32) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or

(f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(33) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or

of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(34) "Stalking" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of cyberstalking as defined under RCW 9.61.260; or

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:

(i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

(35) "Temporary protection order" means a protection order that is issued before the court has decided whether to issue a full protection order. "Temporary protection order" includes ex parte temporary protection orders, as well as temporary protection orders that are reissued by the court pending the completion of a full hearing to decide whether to issue a full protection order. An "ex parte temporary protection order" means a temporary protection order that is issued without prior notice to the respondent.

(36) "Unlawful harassment" means:

(a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause

substantial emotional distress to the petitioner; or

(b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include: (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

(37) "Vulnerable adult" includes a person:

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

(b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

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

(d) Admitted to any facility; or

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

(f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or

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

On page 31, beginning on line 2, after "(1)" strike all material through "develop" on line 4 and insert "By June 30, 2022, the administrative office of the courts shall:

(a) Develop"

On page 31, line 20, after "(b)" strike all material through "develop" and insert "Develop"

On page 32, line 28, after "(ii)" strike all material through "in" and insert "In"

On page 33, beginning on line 34, after "develop" strike all material through

"matters" on line 35 and insert "for the courts"

Beginning on page 50, line 1, strike all of section 28 and insert the following:

"NEW SECTION. Sec. 28. VULNERABLE ADULT PROTECTION ORDER HEARINGS. For vulnerable adult protection order hearings, the following also apply.

(1) When a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult or the vulnerable adult's guardian, conservator, or person acting under a protective arrangement, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that the vulnerable adult does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any existing vulnerable adult protection order, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary protection order of the vulnerable adult pending a decision after the evidentiary hearing.

(2) Pursuant to subsection (1) of this section, an evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, must be held within 14 days of entry of the temporary protection order. If the court did not enter a temporary protection order, the evidentiary hearing must be held within 14 days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing must be served upon the vulnerable adult and the respondent not less than five judicial days before the hearing. If timely service cannot be made, the court may set a new hearing

date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be subject to a guardianship, conservatorship, or other protective arrangement under chapter 11.130 RCW. If a hearing is scheduled under this subsection, the protection order must remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing held pursuant to subsection (1) of this section, the court shall give the vulnerable adult, the respondent, the petitioner, and, in the court's discretion, other interested persons, the opportunity to testify and submit relevant evidence.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the vulnerable adult continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the vulnerable adult continues to need protection, the court shall order relief consistent with this chapter as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the expressed wishes of the vulnerable adult, the court's order is governed by the legislative findings contained in section 1 of this act."

On page 88, beginning on line 26, strike all of section 63 and insert the following:

"NEW SECTION. Sec. 63. MODIFICATION OR TERMINATION OF VULNERABLE ADULT PROTECTION ORDERS. This section applies to the modification or termination of vulnerable adult protection orders.

(1) Any vulnerable adult who is subject to a limited guardianship, limited conservatorship, or other protective arrangement under chapter 11.130 RCW, or the vulnerable adult's guardian, conservator, or person acting on behalf of the vulnerable adult under a protective arrangement, may, at any time subsequent to the entry of a permanent protection order under this chapter, file a motion to modify or terminate the protection order.

(2) In a hearing on a motion to modify or terminate the protection order, the court shall grant such relief consistent with section 39 of this act as it deems necessary for the protection of the vulnerable adult, including modification or termination of the protection order."

Beginning on page 91, line 26, strike all of sections 72 through 74

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 124, line 18, after "**EFFECTIVE DATE**" strike "**AND EXPIRATION DATE**"

On page 124, line 19, after "**90.**" strike all material through "take" and insert "This act takes"

On page 124, beginning on line 21, strike all of section 91

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Beginning on page 230, line 34, strike all of section 129

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Beginning on page 310, line 29, strike all of section 167

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 322, beginning on line 7, strike all of sections 170 and 171

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

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

Amendment (224) was adopted.

Representative Goodman moved the adoption of amendment (223):

On page 26, beginning on line 26, strike all of subsection (1) and insert the following:

"(1)(a) By January 1, 2023, all superior courts and, by January 1, 2026, all courts of limited jurisdiction, must permit petitions for protection orders and all other filings in connection with the petition to be filed either: (i) In person; (ii) remotely through an electronic filing system; or (iii) by mail for persons who are incarcerated or who are otherwise unable to file in person or remotely through an electronic filing system. The court or clerk must make all electronically filed court documents available for electronic access by judicial officers statewide. Judicial officers may not be charged for access to such documents. Cities and counties using their own independent systems that are not provided by the state shall ensure this access at their own expense. The electronic filing system must allow for protection orders to be filed at any time of the day. Petitioners and respondents should not be charged for electronic filing for petitions and documents filed pursuant to this section.

(b) By January 1, 2023, all superior courts' systems and, by January 1, 2026, all limited jurisdiction courts' systems, should allow for the petitioner to electronically track the progress of the petition for a protection order. Notification may be provided by text messaging or email, and should provide reminders of court appearances and alert the petitioner when the following occur: (i) The petition has been processed and is under review by a judicial officer; (ii) the order has been signed; (iii) the order has been transmitted to law enforcement for entry into the Washington crime information center system; (iv) return of service upon the respondent has been filed with the court or clerk; and (v) a receipt for the surrender of firearms has been filed with the court or clerk. Respondents, once served, should be able to sign up for similar electronic notification. Petitioners and respondents should not be charged for electronic notification."

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

Amendment (223) was adopted.

Representative Goodman moved the adoption of amendment (222):

On page 28, line 17, after "for" strike "any type of filing or"

On page 28, line 19, after "chapter." strike "Courts" and insert "Other than the filing fee for antiharassment protection orders, courts"

On page 28, line 21, after "chapter." insert "Upon application of the petitioner, the court shall waive the filing fee for an antiharassment protection order if the court determines the petitioner is not able to pay the costs of filing."

On page 274, beginning on line 21, after "(d)" strike all material through "(e))" on line 23 and insert "For filing of a petition for (~~unlawful harassment~~) an antiharassment protection order under ((RCW 10.14.040)) section 13 of this act a filing fee of fifty-three dollars.

(e) "

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

On page 275, beginning on line 22, after "(2)(b)" strike all material through "(g)" on line 23 and insert ", (d), and (h)"

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

Amendment (222) was adopted.

Representative Gilday moved the adoption of amendment (208):

On page 58, line 31, after "license," strike "as required in" and insert "if appropriate under"

On page 61, line 34, after "license," strike "as required in" and insert "if appropriate under"

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

Representative Taylor spoke against the adoption of the amendment.

Amendment (208) was not adopted.

Representative Graham moved the adoption of amendment (210):

On page 71, at the beginning of line 29, strike "under this chapter, chapter 9.41 RCW, or RCW 9A.56.310"

On page 71, line 33, after "compliance." insert "This subsection (b) must be narrowly construed and may not be used to infringe on the right against self-incrimination."

On page 115, beginning on line 15, after "prosecution" strike "under this chapter, chapter 9.41 RCW, or RCW 9A.56.310"

On page 115, line 20, after "compliance." insert "This subsection (b) must be narrowly construed and may not be used to infringe on the right against self-incrimination."

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

Representative Goodman spoke against the adoption of the amendment.

Amendment (210) was not adopted.

Representative Graham moved the adoption of amendment (209):

On page 87, beginning on line 21, strike all of subsection (5)

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

Representatives Graham, Abbarno and Graham (again) spoke in favor of the adoption of the amendment.

Representatives Taylor and Goodman spoke against the adoption of the amendment.

Amendment (209) was not adopted.

Representative Walsh moved the adoption of striking amendment (206):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.90.020 and 2019 c 258 s 2 are each amended to read as follows:

There shall exist an action known as a petition for a sexual assault protection order.

(1) A petition for relief shall allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration, and shall be accompanied by an affidavit or declaration made under oath stating the specific facts and circumstances from which relief is sought. Petitioner and respondent shall

disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) Within (~~ninety~~) 90 days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW 7.90.180 and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) Forms and instructional brochures and the necessary number of certified copies shall be provided free of charge. The filing fee must be waived.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

Sec. 2. RCW 7.90.030 and 2007 c 212 s 2 are each amended to read as follows:

(1) A petition for a sexual assault protection order may be filed by a person:

(a) Who does not qualify for a protection order under chapter 26.50 RCW and who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration, including a single incident of nonconsensual sexual conduct or nonconsensual sexual penetration; or

(b) On behalf of any of the following persons who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration and who does not qualify for

a protection order under chapter 26.50 RCW:

(i) A minor child;

(ii) A vulnerable adult as defined in RCW 74.34.020 (~~or 74.34.021~~); or

(iii) Any other adult who, because of age, disability, health, or inaccessibility, cannot file the petition.

(2) Minor children must be referred to in all publicly available filed documents by their initials and age.

Sec. 3. RCW 7.90.040 and 2013 c 74 s 1 are each amended to read as follows:

(1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of nonconsensual sexual conduct or nonconsensual sexual penetration committed by the respondent.

(2) A (~~person under eighteen years of age who is sixteen~~) minor 16 years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend. This does not preclude a parent or legal custodian of a victim 16 or 17 years of age from seeking relief on behalf of the minor.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under (~~eighteen~~) 18 years of age if such respondent is (~~sixteen~~) 16 years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter. The appointment shall be at no cost to either party.

~~(5) ((Jurisdiction of the courts over proceedings under this chapter shall be the same as jurisdiction over domestic violence protection orders under RCW 26.50.020(5)).~~

~~(6) An action under this chapter shall be filed in the county or the municipality where the petitioner resides))~~ District courts have jurisdiction over all civil actions and proceedings brought under this chapter, except as provided in subsection (7) of this section.

(6) Municipal courts may exercise jurisdiction over all civil actions and

proceedings brought under this chapter, except as provided in subsection (7) of this section, by adoption of local court rule.

(7) Only superior courts have jurisdiction over civil actions and proceedings brought under this chapter where: (a) The respondent is under 18 years of age; (b) the action involves title to or possession of real property, including exclusion from a dwelling; (c) the superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action involves interference with a respondent's care, control, or custody of the respondent's minor child or children. District and municipal courts have jurisdiction over such cases limited to issuing and reissuing temporary orders of protection, scheduling hearings in superior court according to the superior court's practice, and transferring cases to the superior court. If the superior court determines that a petition has been filed in superior court, but the petitioner has not established any ground for superior court jurisdiction under (a) through (d) of this subsection, the court may for good cause, including timely resolution of the petition, hear the merits of the petition and has jurisdiction to do so, or the court may dismiss the petition without prejudice for refile in an appropriate court. When the jurisdiction of a district court or municipal court is limited to the issuance and enforcement of a temporary order, the district court or municipal court shall set the full hearing in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the order for protection.

(8) Enforcement of protection orders issued under this chapter must comply with general criminal jurisdiction and venue laws, rules, and procedures.

(9) An action under this chapter must be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid acts of sexual assault. In that case, the petitioner may bring the action in the county or municipality of the previous or new household or residence.

Sec. 4. RCW 7.90.050 and 2013 c 74 s 2 are each amended to read as follows:

Upon receipt of the petition, the court shall order a hearing which shall be held not later than ~~((fourteen))~~ 14 days from the date ~~((of the order))~~ the petition is received. The court may schedule a hearing in person or by telephone ~~((pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Personal))~~, video, or electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 7.90.052, personal service shall be made upon the respondent not less than five court days prior to the hearing unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication as provided in RCW 7.90.052 ~~((or service by mail as provided in RCW 7.90.053))~~. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication ~~((or service by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty four days from the date of the order))~~ unless the petitioner requests additional time to attempt personal service. In cases where personal service was not made, the court shall set the next hearing date: (1) Within 14 days from the date of the order; (2) to an available date mutually agreed to by the parties and accepted by the court; or (3) not later than 24 days from the date of the order upon a showing of good cause to facilitate service. The court may issue an ex parte temporary sexual assault order pending the hearing as provided in RCW 7.90.110.

Sec. 5. RCW 7.90.052 and 2013 c 74 s 6 are each amended to read as follows:

(1) ~~((The court may order service by publication instead of personal service under the following circumstances))~~ If the respondent was not personally served with a petition authorized by this chapter, a notice of hearing, and any ex parte protection order before the

hearing, the court shall set a new hearing date as provided in RCW 7.90.050 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

~~((a+))~~ (i) The sheriff or municipal peace officer (~~(files an affidavit stating)~~) states that the officer was unable to complete personal service upon the respondent(~~(. The affidavit must describe)~~) and describes the number and type of attempts the officer made to complete service;

~~((b+))~~ (ii) The petitioner (~~(files an affidavit stating)~~) states that the petitioner believes the respondent is hiding from the server to avoid service(~~(. The petitioner's affidavit must state)~~) and states the reasons for the belief that the respondent is avoiding service;

~~((e+))~~ (iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that he or she does not know the respondent's address; and

~~((d+))~~ (iv) The court finds reasonable grounds exist to believe the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.

(2) (~~(If the)~~) The court (~~(orders service by publication, it)~~) shall (~~(also)~~) reissue the temporary order of protection (~~(not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order that service by publication be provided)~~) as provided in RCW 7.90.110 to allow additional service attempts.

(3) (~~The~~) Service by publication must be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons must not be made until the court orders service by publication under this section. Service of the summons is considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and must require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons must be essentially in the following form:

In the court of the state of Washington for the county of

.....
Petitioner

vs.

No.

.....
Respondent

The state of Washington to
(respondent):

You are hereby summoned to appear on the day of, (year)...., at a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of the sexual assault protection order act, chapter 7.90 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

(4) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court.

(5) Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(6) The court may authorize multiple methods of service permitted by this section and may consider use of any address determined by the court to be

appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

Sec. 6. RCW 7.90.054 and 2013 c 74 s 8 are each amended to read as follows:

Following completion of service by mail, electronic means, or publication as provided in RCW 7.90.052 (~~or service by mail as provided in RCW 7.90.053~~), if the respondent fails to appear at the hearing, the court may issue an order of protection as provided in RCW 7.90.140. That order must be served pursuant to RCW 7.90.140 and forwarded to the appropriate law enforcement agency pursuant to RCW 7.90.160.

Sec. 7. RCW 7.90.090 and 2019 c 245 s 4 are each amended to read as follows:

(1)(a) If the court finds by a preponderance of the evidence that the petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent, the court shall issue a sexual assault protection order; provided that the petitioner must also satisfy the requirements of RCW 7.90.110 for ex parte temporary orders or RCW 7.90.120 for final orders.

(b) The petitioner shall not be denied a sexual assault protection order because the petitioner or the respondent is a minor or because the petitioner did not report the assault to law enforcement. The court, when determining whether or not to issue a sexual assault protection order, may not require proof of physical injury on the person of the victim or proof that the petitioner has reported the sexual assault to law enforcement. Modification and extension of prior sexual assault protection orders shall be in accordance with this chapter.

(2) The court (~~may provide~~) has broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from (~~having any~~) making any attempts to contact the petitioner, including nonphysical contact (~~(, with the petitioner directly, indirectly, or)~~) and contact through third parties regardless of whether those third parties know of the order;

(b) Exclude the respondent from the petitioner's residence, workplace, or school, or from the day care or school of a child, if the victim is a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, and the protected party's person; and

(d) Order any other injunctive relief as necessary or appropriate for the protection of the petitioner.

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

(4) In cases where the petitioner and the respondent are under the age of (~~eighteen~~) 18 and attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger or emotional distress to the petitioner, and the expense difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of (~~eighteen~~) 18 protected by the order. In the event the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

(5) Denial of a remedy may not be based, in whole or in part, on evidence that:

(a) The respondent was voluntarily intoxicated;

(b) The petitioner was voluntarily intoxicated; or

(c) The petitioner engaged in limited consensual sexual touching.

(6) Monetary damages are not recoverable as a remedy.

(7) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

(8) If the court declines to issue a protection order, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 8. RCW 7.90.110 and 2019 c 245 s 5 are each amended to read as follows:

(1) An ex parte temporary sexual assault protection order shall issue if the petitioner satisfies the requirements of this subsection by a preponderance of the evidence. The petitioner shall establish that:

(a) The petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent; and

(b) There is good cause to grant the remedy, regardless of the lack of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

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

(3) If the respondent appears in court for this hearing for an ex parte temporary order, he or she may elect to file a general appearance and testify under oath. Any resulting order may be an ex parte temporary order, governed by this section.

(4) If the court declines to issue an ex parte temporary sexual assault protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order shall be filed with the court.

(5) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

(6) When an ex parte temporary protection order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte temporary protection order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion must be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte temporary protection order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

Sec. 9. RCW 7.90.120 and 2017 c 233 s 1 are each amended to read as follows:

(1)(a) An ex parte temporary sexual assault protection order shall be effective ~~((for a fixed period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty four days if service by publication or service by mail is permitted. If the court permits service by publication or service by mail, the court shall also reissue the ex parte temporary protection order not to exceed another twenty four days from the date of reissuing the ex parte protection order))~~ until the next hearing date. Except as provided in RCW 7.90.050 ~~((7))~~ or 7.90.052, ~~((or 7.90.053,))~~ the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.

(b) Any ex parte temporary order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(2) Except as otherwise provided in this section or RCW 7.90.150, a final sexual assault protection order shall be

effective for a fixed period of time or be permanent.

(3) Any sexual assault protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(4) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a sexual assault protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

Sec. 10. RCW 7.90.121 and 2017 c 233 s 2 are each amended to read as follows:

(1) Any ~~((ex parte temporary or nonpermanent))~~ final sexual assault protection order may be renewed one or more times, as required.

(2) The petitioner may apply for renewal of the order by filing a motion for renewal at any time within the three months before the order expires. The motion for renewal shall state the reasons why the petitioner seeks to renew the protection order.

(3)(a) The court shall grant the motion for renewal unless the respondent proves by a preponderance of the evidence that ~~((there has been a material change in circumstances such that))~~ the respondent is not likely to engage in or attempt to engage in physical or nonphysical contact with the petitioner when the order expires.

(b) ~~((For purposes of this subsection (3), a court shall determine whether there has been a material change in circumstances by considering only factors which address whether the respondent is likely to engage in or attempt to engage in physical or nonphysical contact with the petitioner when the order expires. The passage of time and compliance with the existing protection order shall not, alone, be sufficient to meet this burden of proof.))~~ The court may renew the sexual assault protection order for another fixed time period or may enter a permanent order as provided in ~~((this section.~~

~~((c) In determining whether there has been a material change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed.~~

~~(i) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other violent acts since the protection order was entered;~~

~~(ii) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;~~

~~(iii) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;~~

~~(iv) Whether the respondent has been convicted of criminal activity since the protection order was entered;~~

~~(v) Whether the respondent has either acknowledged responsibility for acts of sexual assault that resulted in entry of the protection order or successfully completed sexual assault perpetrator treatment or counseling since the protection order was entered;~~

~~(vi) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;~~

~~(vii) Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that acts of sexual assault may be committed from any distance such as via cybercrime;~~

~~(viii) Other factors relating to a material change in circumstances)) RCW 7.90.120.~~

~~(4) (a) ((If the motion is contested, upon receipt of the motion, the court shall order that a hearing be held not later than fourteen days from the date of the order.~~

~~(b) The)) Upon the filing of a request to renew the order, the court may schedule a hearing in person or by telephone ((pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing)), video, or other electronic means with appropriate safeguards as determined by the court.~~

~~((+e)) (b) The respondent shall be personally served not less than five court days prior to the hearing, unless~~

waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication as provided in RCW 7.90.052 ((or service by mail as provided in RCW 7.90.053)). The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication ((or service by mail)) unless the petitioner requests additional time to attempt personal service. ((If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty-four days from the date of the order.

~~(5) Renewals may be granted only in open court)) In cases where personal service cannot be made, the court shall set the next hearing date: (i) Within 14 days from the date of the order; (ii) to an available date mutually agreed to by the parties and accepted by the court; or (iii) not later than 24 days from the date of the order upon a showing of good cause to facilitate service.~~

Sec. 11. RCW 7.90.140 and 2019 c 245 s 6 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the

respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules. Proof of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

(6) If an order entered by the court recites that the respondent appeared (~~in person~~) before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order.

(7) If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by mail, electronic means, or publication under RCW 7.90.052 ((~~or service by mail under RCW 7.90.053~~)), the court may permit service by mail, electronic means, or publication ((~~or service by mail~~)) of the order of protection issued under this chapter, except that law enforcement must personally serve a final order requiring the surrender of weapons or requiring vacation of a shared residence. Service by mail, electronic means, or publication must comply with the requirements of RCW 7.90.052 ((~~and service by mail must comply with the requirements of RCW 7.90.053~~)). The court order must state whether the court permitted service by publication or service by mail.

Sec. 12. RCW 7.90.160 and 2006 c 138 s 17 are each amended to read as follows:

(1) A copy of a sexual assault protection order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding

warrants. The order shall remain in the computer for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, terminated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was (~~personally~~) served personally, (~~served~~) by publication, (~~or served~~) by mail, or by electronic means.

Sec. 13. RCW 7.90.170 and 2017 c 233 s 3 are each amended to read as follows:

(1) Upon a motion with notice to all parties and after a hearing, the court may terminate or modify the terms of an existing sexual assault protection order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses.

(2)(a) A respondent's motion to terminate or modify a sexual assault protection order must include a declaration setting forth facts supporting the requested order for termination or modification. The nonmoving parties to the proceeding may file opposing declarations. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion.

(b) The court may terminate or modify the terms of a sexual assault protection order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses, if the respondent proves by a preponderance of the evidence that there has been a material change in circumstances such that the respondent is not likely to engage in or attempt to

engage in physical or nonphysical contact with the persons protected by the protection order if the order is terminated or modified. The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(c) A respondent may file a motion to terminate or modify pursuant to this section no more than once in every twelve-month period that the order is in effect, starting from the date of the order and continuing through any renewal.

(d) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to terminate or modify pursuant to this section, including reasonable attorneys' fees.

(e) The court shall determine whether there has been a material change in circumstances by considering only factors that address whether the respondent is likely to engage in or attempt to engage in physical or nonphysical contact with the petitioner if the order were modified or terminated. The passage of time and compliance with the existing protection order shall not, alone, be sufficient to meet this burden of proof. The court may renew the sexual assault protection order for another fixed time period or may enter a permanent order as provided in this section.

(f) In determining whether there has been a material change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(i) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other violent acts since the protection order was entered;

(ii) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(iii) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(iv) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(v) Whether the respondent has either acknowledged responsibility for acts of sexual assault that resulted in the entry

of the protection order or successfully completed sexual assault perpetrator treatment or counseling since the protection order was entered;

(vi) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(vii) Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that acts of sexual assault may be committed from any distance such as through cybercrime; and

(viii) Other factors relating to a material change in circumstances.

(3) The court shall order that a hearing on the motion for termination or modification of the order be held not later than ~~((fourteen))~~ 14 days from the date of the order. The nonmoving party shall be personally served not less than five days before the hearing, unless waived by the nonmoving party. If timely service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication as provided in RCW 7.90.052 ~~((or service by mail as provided in RCW 7.90.053. If the court permits service by mail or service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order))~~. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal service cannot be made, the court shall set the next hearing date: (a) Within 14 days from the date of the order; (b) to an available date mutually agreed to by the parties and accepted by the court; or (c) not later than 24 days from the date of the order upon a showing of good cause to facilitate service.

(4) In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter

it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system.

Sec. 14. RCW 7.92.030 and 2013 c 84 s 3 are each amended to read as follows:

There shall exist an action known as a petition for a stalking protection order.

(1) A petition for relief shall allege the existence of stalking conduct and shall be accompanied by an affidavit or declaration made under oath stating the specific reasons that have caused the petitioner to become reasonably fearful that the respondent intends to injure the petitioner or another person, or the petitioner's property or the property of another. The petition shall disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief shall be filed as a separate, stand-alone civil case and a petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) Forms and instructional brochures and the necessary number of certified copies shall be provided to the petitioner free of charge. The filing fee must be waived.

(4) A person is not required to post a bond to obtain relief in any proceeding under this section.

(5) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

Sec. 15. RCW 7.92.040 and 2013 c 84 s 4 are each amended to read as follows:

(1) A petition for a stalking protection order may be filed by a person:

~~((1))~~ (a) Who does not qualify for a protection order under chapter 26.50 RCW

and who is a victim of stalking conduct; or

~~((2))~~ (b) On behalf of any of the following persons who is a victim of stalking conduct and who does not qualify for a protection order under chapter 26.50 RCW:

~~((a))~~ (i) A minor child, where the petitioner is a parent, a legal custodian, or, where the respondent is not a parent, an adult with whom the child is currently residing; or

~~((b))~~ (ii) A vulnerable adult as defined in RCW 74.34.020 and where the petitioner is an interested person as defined in RCW 74.34.020 ~~((10))~~.

(2) Minor children must be referred to in all publicly available filed documents by their initials and age.

Sec. 16. RCW 7.92.050 and 2013 c 84 s 5 are each amended to read as follows:

(1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of stalking conduct committed by the respondent.

(2) A minor ~~((sixteen))~~ 16 years of age or older may seek relief under this chapter and is not required to seek relief through a guardian or next friend. This does not preclude a parent or legal custodian of a victim ~~((sixteen))~~ 16 or ~~((seventeen))~~ 17 years of age from seeking relief on behalf of the minor.

(3) ~~((The district))~~ No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under 18 years of age if such respondent is 16 years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter. The appointment shall be at no cost to either party.

(5) District courts shall have ((original)) jurisdiction ((and cognizance of any)) over all civil actions and proceedings brought under this chapter, except ((a district court shall transfer such actions and proceedings to the superior court when it is shown that (a) the petitioner, victim, or respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real

~~property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.~~

~~(4)) as provided in subsection (7) of this section.~~

~~(6) Municipal courts may exercise jurisdiction ((and cognizance of any)) over all civil actions and proceedings brought under this chapter, except as provided in subsection (7) of this section, by adoption of local court rule((, except a municipal court shall transfer such actions and proceedings to the superior court when it is shown that (a) the petitioner, victim, or respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.~~

~~(5) Superior courts shall have concurrent jurisdiction to receive transfer of stalking petitions in cases where a district or municipal court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer. The jurisdiction of district and municipal courts is limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders provided for in RCW 7.92.120 if the superior court is exercising jurisdiction over a proceeding under this chapter involving the parties.~~

~~(6) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter if such respondent is sixteen years of age or older)).~~

~~(7) ((If a guardian ad litem is appointed for the petitioner or respondent, the petitioner shall not be required to pay any fee associated with such appointment.~~

~~(8)) Only superior courts shall have jurisdiction over civil actions and proceedings brought under this chapter where: (a) The respondent is under 18 years of age; (b) the action involves~~

title to or possession of real property, including exclusion from a dwelling; (c) the superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action involves interference with a respondent's care, control, or custody of the respondent's minor child or children. District and municipal courts have jurisdiction over such cases limited to issuing and reissuing temporary orders of protection, scheduling hearings in superior court according to the superior court's practice, and transferring cases to the superior court. If the superior court determines that a petition has been filed in superior court, but the petitioner has not established any grounds under (a) through (d) of this subsection for superior court jurisdiction, the court may for good cause, including timely resolution of the petition, hear the merits of the petition and has jurisdiction to do so, or the court may transfer the petition to an appropriate court. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the order for protection.

(8) Enforcement of orders issued under this chapter must comply with general criminal jurisdiction and venue laws, rules, and procedures.

(9) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid stalking conduct. In that case, the petitioner may bring an action in the county or municipality of the previous or the new residence or household.

Sec. 17. RCW 7.92.060 and 2013 c 84 s 6 are each amended to read as follows:

Upon receipt of the petition alleging a prima facie case of stalking conduct by the respondent, the court shall order a hearing which shall be held not later than ((fourteen)) 14 days from the date of the order. The court may schedule a hearing in person or by telephone, ((to reasonably accommodate a disability, or in exceptional circumstances to protect

~~a petitioner from further stalking behavior. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing))~~ video, or other electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 7.92.150, personal service shall be made upon the respondent not less than five court days prior to the hearing unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall require additional attempts at obtaining personal service or other service as permitted under RCW 7.92.150. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal service was not made, the court shall set the next hearing date: (1) Within 14 days from the date of the order; (2) to an available date mutually agreed to by the parties and accepted by the court; or (3) not later than 24 days from the date of the order upon a showing of good cause to facilitate service. The court may issue an ex parte temporary stalking order pending the hearing as provided in RCW 7.92.120.

Sec. 18. RCW 7.92.100 and 2019 c 245 s 7 are each amended to read as follows:

(1) (a) ~~((If))~~ After notice and a hearing, if the court finds by a preponderance of the evidence that the petitioner has been a victim of stalking conduct by the respondent, the court shall issue a stalking protection order.

(b) The petitioner shall not be denied a stalking protection order because the petitioner or the respondent is a minor or because the petitioner did not report the stalking conduct to law enforcement. The court, when determining whether or not to issue a stalking protection order, may not require proof of the respondent's intentions regarding the acts alleged by the petitioner. Modification and extension of prior stalking protection orders shall be in accordance with this chapter.

(2) The court ~~((may provide))~~ shall have broad discretion to grant such relief as the court deems proper, including an order granting relief as follows:

(a) Restrain the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(b) Exclude the respondent from the petitioner's residence, workplace, or school, or from the day care, workplace, or school of the petitioner's minor children;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, and the protected party's person;

(d) Prohibit the respondent from keeping the petitioner and/or the petitioner's minor children under surveillance, to include electronic surveillance;

(e) Order any other injunctive relief as necessary or appropriate for the protection of the petitioner, to include a mental health and/or chemical dependency evaluation; and

(f) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees.

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

(4) Unless otherwise stated in the order, when a person is petitioning on behalf of a minor child or vulnerable adult, the relief authorized in this section shall apply only for the protection of the victim, and not the petitioner.

(5) In cases where the petitioner and the respondent attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger or emotional distress to the petitioner, and the

expense difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person protected by the order. In the event the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

(6) If the court declines to issue a protection order, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 19. RCW 7.92.120 and 2019 c 245 s 8 are each amended to read as follows:

(1) Where it appears from the petition and any additional evidence that the respondent has engaged in stalking conduct and that irreparable injury could result if an order is not issued immediately without prior notice, the court may grant an ex parte temporary order for protection, pending a full hearing and grant such injunctive relief as it deems proper, including the relief as specified under RCW 7.92.100 (2) (a) through (d) and ~~((4))~~ (5).

(2) Irreparable injury under this section includes, but is not limited to, situations in which the respondent has recently threatened the petitioner with bodily injury or has engaged in acts of stalking conduct against the petitioner.

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

(4) The court shall hold an ex parte hearing in person or by telephone, video, or other electronic means, with appropriate safeguards as determined by the court, on the day the petition is filed or on the following judicial day.

(5) An ex parte temporary stalking protection order shall be effective ~~((for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication or mail))~~ until the next hearing. The ex parte order may be reissued. A full hearing ~~((, as provided in this chapter,))~~ shall be set ~~((for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted))~~ as provided in RCW 7.92.060. Unless the court has permitted service by mail, electronic means, or publication ~~((or mail))~~, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(6) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(7) If the court declines to issue an ex parte temporary stalking protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order shall be filed with the court.

(8) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

(9) When an ex parte temporary protection order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte temporary protection order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion shall be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte temporary protection order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

Sec. 20. RCW 7.92.130 and 2013 c 84 s 13 are each amended to read as follows:

(1) Except as otherwise provided in this section or RCW 7.92.160, a final stalking protection order shall be effective for a fixed period of time or be permanent.

(2) Any ~~((ex parte temporary or))~~ final stalking protection order may be renewed one or more times. The petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. ~~((If the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal.))~~ The court shall grant the petition for renewal unless the respondent opposes the petition for nonrenewal and proves by a preponderance of the evidence that the respondent will not resume acts of stalking conduct against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the stalking protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in RCW 7.92.100.

(3) Any stalking protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(4) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a stalking protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

(5) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 21. RCW 7.92.140 and 2013 c 84 s 14 are each amended to read as follows:

(1) Any stalking protection order shall describe each remedy granted by the court, in reasonable detail and not by

reference to any other document, so that the respondent may clearly understand what he or she must do or refrain from doing.

(2) A stalking protection order shall further state the following:

(a) The name of the petitioner that the court finds was the victim of stalking by the respondent;

(b) The date and time the stalking protection order was issued, whether it is an ex parte temporary or final order, and the duration of the order;

(c) The date, time, and place for any scheduled hearing for renewal of that stalking protection order or for another order of greater duration or scope; and

(d) For each remedy in an ex parte temporary stalking protection order, the reason for entering that remedy without prior notice to the respondent or greater notice than was actually given(~~(+~~

~~(e) For ex parte temporary stalking protection orders, that the respondent may petition the court, to modify or terminate the order if he or she did not receive actual prior notice of the hearing and if the respondent alleges that he or she had a meritorious defense to the order or that the order or its remedy is not authorized by this chapter)).~~

(3) A stalking protection order shall include the following notice, printed in conspicuous type: "A knowing violation of this stalking protection order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

Sec. 22. RCW 7.92.150 and 2019 c 245 s 9 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6), (7), ~~((or (8)))~~ (9), (10), or (11) of this section. The court order must state whether the court issued the protection order following personal service or service by mail, electronic means, or publication, and whether the court has approved service by mail, electronic means, or publication of an

order issued under this section. If the respondent is a minor, the respondent's parent or legal custodian shall also be ((personally)) served by a method authorized by this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ((ten)) 10 days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules. Returns of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

(6) If an order entered by the court recites that the respondent appeared ((in person)) before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order, except that law enforcement must attempt to personally serve a final order that includes an order to surrender weapons.

(7) If the respondent was not personally served with ((the)) a petition authorized under this chapter, a notice of hearing, and any ex parte order before the hearing, the court shall ((reset the)) set a new hearing ((for twenty-four days from the date of entry of the order and may)) date as provided in RCW 7.92.060 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer or private process server ((files an affidavit stating)) states that the officer or private process server was unable to complete personal service upon the respondent ((. The affidavit must describe)) and describes the number and types of attempts the officer or private process server made to complete service;

~~((b))~~ (ii) The petitioner ~~((files an affidavit stating))~~ states that the petitioner believes that the respondent is hiding from the server to avoid service ~~((The petitioner's affidavit must state))~~ and states the reasons for the belief that the respondent is avoiding service;

~~((e))~~ (iii) The server has deposited a copy of the petition, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and

~~((d))~~ (iv) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome ~~((~~

~~(e))~~ .

(8) The court shall reissue ~~((the))~~ any temporary order of protection ~~((not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication; and))~~ as provided in RCW 7.92.120 to allow additional service attempts.

~~((f) The))~~ (9) Service by publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons shall contain the date of the first publication, and shall require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons shall also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons shall be essentially in the following form:

In the court of the state of Washington for the county of

,
Petitioner
vs. No.
,
Respondent

The state of Washington to
(respondent):

You are hereby summoned to appear on the ... day of, 20 ..., at ... a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of the stalking protection order act, chapter 7.92 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order.) A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

~~((8) In circumstances justifying service by publication under subsection (7) of this section, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~

~~(a) Proof of service under this section shall be consistent with court rules for civil proceedings.~~

~~(b) Service under this section may be used in the same manner and shall have~~

~~the same jurisdictional effect as service by publication for purposes of this chapter. Service shall be deemed complete upon the mailing of two copies as prescribed in this section.)~~

(10) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means shall be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(11) Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. The court may authorize multiple methods of service permitted by this section and may consider the use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

Sec. 23. RCW 7.92.180 and 2013 c 84 s 18 are each amended to read as follows:

(1) A copy of a stalking protection order or stalking no-contact order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this

state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for one year unless a different expiration date is specified on the order. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, terminated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was ~~((personally))~~ served personally, ~~((served))~~ by publication, ~~((or served))~~ by mail, or by electronic means.

Sec. 24. RCW 7.92.190 and 2019 c 245 s 10 are each amended to read as follows:

(1) Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing stalking protection order.

(2) A respondent's motion to modify or terminate an existing stalking protection order must include a declaration setting forth facts supporting the requested order for termination or modification. The nonmoving parties to the proceeding may file opposing declarations. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion.

(3) The court may not terminate or modify an existing stalking protection order unless the respondent proves by a preponderance of the evidence that there has been a ~~((substantial))~~ material change in circumstances such that the respondent will not resume acts of stalking conduct against the petitioner or those persons protected by the protection order if the order is terminated or modified. The passage of time and compliance with the existing protection order shall not, alone, be

sufficient to meet this burden of proof. The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(4) In determining whether there has been a material change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened stalking conduct or other threatening acts since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either acknowledged responsibility for stalking conduct that resulted in the entry of the protection order or successfully completed treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(g) Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that stalking conduct may be committed from any distance such as via cybercrime; and

(h) Other factors relating to a material change in circumstances.

(5) A respondent may file a motion to terminate or modify an order no more than once in every ~~((twelve))~~ 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal.

~~((5))~~ (6) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to terminate or modify a stalking protection order, including reasonable attorneys' fees.

~~((6))~~ (7) In any situation where an order is terminated or modified before

its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system.

Sec. 25. RCW 7.94.040 and 2019 c 246 s 3 are each amended to read as follows:

(1) Upon receipt of the petition, the court shall order a hearing to be held not later than fourteen days from the date of the order and issue a notice of hearing to the respondent for the same.

(a) The court may schedule a hearing in person or by telephone ~~((pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from potential harm. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing))~~, video, or other electronic means with appropriate safeguards as determined by the court.

(b) The court clerk shall cause a copy of the notice of hearing and petition to be forwarded on or before the next judicial day to the appropriate law enforcement agency for service upon the respondent.

(c) Personal service of the notice of hearing and petition shall be made upon the respondent by a law enforcement officer not less than five court days prior to the hearing unless waived by the respondent. Service issued under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication ~~((or mail))~~ as provided in RCW 7.94.070. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication ~~((or mail))~~ after two attempts at obtaining personal service unless the petitioner requests additional time to attempt

personal service. If the court issues an order permitting service by mail, electronic means, or publication (~~(or mail)~~), the court shall set the new hearing date: (i) Within 14 days from the date of the order; (ii) to an available date mutually agreed to by the parties and accepted by the court; or (iii) not later than ((twenty-four)) 24 days from the date of the order ((issues)) upon a showing of good cause to facilitate service.

(d) The court may, as provided in RCW 7.94.050, issue an ex parte extreme risk protection order pending the hearing ordered under this subsection (1). Such ex parte order must be served concurrently with the notice of hearing and petition.

(2) Upon hearing the matter, if the court finds by a preponderance of the evidence that the respondent poses a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm, the court shall issue an extreme risk protection order for a period of one year.

(3) In determining whether grounds for an extreme risk protection order exist, the court may consider any relevant evidence including, but not limited to, any of the following:

(a) A recent act or threat of violence by the respondent against self or others, whether or not such violence or threat of violence involves a firearm;

(b) A pattern of acts or threats of violence by the respondent within the past twelve months including, but not limited to, acts or threats of violence by the respondent against self or others;

(c) Any behaviors that present an imminent threat of harm to self or others;

(d) A violation by the respondent of a protection order or a no-contact order issued under chapter 7.90, 7.92, 10.14, 9A.46, 10.99, 26.50, or 26.52 RCW;

(e) A previous or existing extreme risk protection order issued against the respondent;

(f) A violation of a previous or existing extreme risk protection order issued against the respondent;

(g) A conviction of the respondent for a crime that constitutes domestic violence as defined in RCW 10.99.020;

(h) A conviction of the respondent under RCW 9A.36.080;

(i) The respondent's ownership, access to, or intent to possess firearms;

(j) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

(k) The history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person;

(l) Any prior arrest of the respondent for a felony offense or violent crime;

(m) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent; and

(n) Evidence of recent acquisition of firearms by the respondent.

(4) The court may:

(a) Examine under oath the petitioner, the respondent, and any witnesses they may produce, or, in lieu of examination, consider sworn affidavits of the petitioner, the respondent, and any witnesses they may produce; and

(b) Ensure that a reasonable search has been conducted for criminal history records related to the respondent.

(5) In a hearing under this chapter, the rules of evidence apply to the same extent as in a domestic violence protection order proceeding under chapter 26.50 RCW.

(6) During the hearing, the court shall consider whether a behavioral health evaluation is appropriate, and may order such evaluation if appropriate.

(7) An extreme risk protection order must include:

(a) A statement of the grounds supporting the issuance of the order;

(b) The date and time the order was issued;

(c) The date and time the order expires;

(d) Whether a behavioral health evaluation of the respondent is required;

(e) The address of the court in which any responsive pleading should be filed;

(f) A description of the requirements for relinquishment of firearms under RCW 7.94.090; and

(g) The following statement: "To the subject of this protection order: This order will last until the date and time noted above. If you have not done so already, you must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any concealed pistol license issued to you under RCW 9.41.070 immediately. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, a firearm while this order is in effect. You have the right to request one hearing to terminate this order every twelve-month period that this order is in effect, starting from the date of this order and continuing through any renewals. You may seek the advice of an attorney as to any matter connected with this order."

(8) When the court issues an extreme risk protection order, the court shall inform the respondent that he or she is entitled to request termination of the order in the manner prescribed by RCW 7.94.080. The court shall provide the respondent with a form to request a termination hearing.

(9) If the court declines to issue an extreme risk protection order, the court shall state the particular reasons for the court's denial.

Sec. 26. RCW 7.94.050 and 2017 c 3 s 6 are each amended to read as follows:

(1) A petitioner may request that an ex parte extreme risk protection order be issued before a hearing for an extreme risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to self or others in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

(2) In considering whether to issue an ex parte extreme risk protection order under this section, the court shall consider all relevant evidence, including the evidence described in RCW 7.94.040(3).

(3) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to self or others in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm, the court shall issue an ex parte extreme risk protection order.

(4) The court shall hold an ex parte extreme risk protection order hearing in person or by telephone, video, or other electronic means, with appropriate safeguards as determined by the court, on the day the petition is filed or on the judicial day immediately following the day the petition is filed.

(5) In accordance with RCW 7.94.040(1), the court shall schedule a hearing (~~within fourteen days of the issuance of an ex parte extreme risk protection order~~) to determine if a one-year extreme risk protection order should be issued under this chapter.

(6) An ex parte extreme risk protection order shall include:

(a) A statement of the grounds asserted for the order;

(b) The date and time the order was issued;

(c) The date and time the order expires;

(d) The address of the court in which any responsive pleading should be filed;

(e) The date and time of the scheduled hearing;

(f) A description of the requirements for surrender of firearms under RCW 7.94.090; and

(g) The following statement: "To the subject of this protection order: This order is valid until the date and time noted above. You are required to surrender all firearms in your custody, control, or possession. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, a firearm while this order is in effect. You must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any concealed pistol license issued to you under RCW 9.41.070 immediately. A hearing will be held on the date and at the time noted above to determine if an extreme risk protection order should be issued."

Failure to appear at that hearing may result in a court making an order against you that is valid for one year. You may seek the advice of an attorney as to any matter connected with this order."

(7) Any ex parte extreme risk protection order issued expires upon the hearing on the extreme risk protection order.

(8) An ex parte extreme risk protection order shall be served by a law enforcement officer in the same manner as provided for in RCW 7.94.040 for service of the notice of hearing and petition, and shall be served concurrently with the notice of hearing and petition.

(9) If the court declines to issue an ex parte extreme risk protection order, the court shall state the particular reasons for the court's denial.

(10) When an ex parte extreme risk protection order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion shall be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

Sec. 27. RCW 7.94.070 and 2017 c 3 s 8 are each amended to read as follows:

(1) ((The court may order service by publication or service by mail under the circumstances permitted for such service in RCW 7.90.052, 7.90.053, 26.50.123, or 26.50.085, except any)) If the respondent was not personally served with a petition authorized under this chapter and a notice of hearing, the court shall set a new hearing date as provided in RCW 7.94.040 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under either or both of the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer states that the officer was unable to complete personal service upon the respondent and describes the number and types of attempts the officer made to complete service;

(ii) The petitioner states that the petitioner believes that the respondent is hiding from the server to avoid service and states the reasons for the belief that the respondent is avoiding service;

(iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (2) of this section, the notice of hearing, and the ex parte extreme risk protection order in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and

(iv) The court finds reasonable grounds exist to believe that the

respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.

(2) Service by publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and must require the respondent, upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte extreme risk protection order. The summons must be essentially in the following form:

In the court of the state of Washington for the county of

.....
Petitioner

vs. No.

.....
Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the day of, (year)...., at a.m./p.m., and respond to the petition. If you fail to respond, an extreme risk protection order may be issued against you pursuant to the provisions of the extreme risk protection order act, chapter 7.94 RCW, for one year from the date you are required to appear. (An ex parte extreme risk protection order has been issued against you, restraining you from having in your custody or control, purchasing, possessing, or receiving any firearms. You must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any concealed pistol license issued to you under RCW 9.41.070 within forty-eight hours. A copy of the notice of hearing,

petition, and ex parte extreme risk protection order has been filed with the clerk of this court.) (A copy of the notice of hearing and petition has been filed with the clerk of this court.)

.....

Petitioner

((2)) (3) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(4) The court may authorize multiple methods of service permitted by this section and may consider use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

(5) If the court orders service by mail, electronic means, or publication ((or mail)) for notice of an extreme risk protection order hearing, it shall also reissue the ex parte extreme risk protection order, if issued, to expire on the date of the extreme risk protection order hearing.

~~((3))~~ (6) Following completion of service by mail, electronic means, or publication ~~((or by mail))~~ for notice of an extreme risk protection order hearing, if the respondent fails to appear at the hearing, the court may issue an extreme risk protection order as provided in RCW 7.94.040. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order. If an order entered by the court recites that the respondent appeared before the court, the necessity for further service is waived and proof of service of the order is not necessary.

Sec. 28. RCW 7.94.080 and 2017 c 3 s 9 are each amended to read as follows:

(1) The respondent may submit one written request for a hearing to terminate an extreme risk protection order issued under this chapter every ~~((twelve))~~ 12-month period that the order is in effect, starting from the date of the order and continuing through any renewals.

(a) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with RCW 4.28.080. The hearing shall occur no sooner than ~~((fourteen))~~ 14 days and no later than ~~((thirty))~~ 30 days from the date of service of the request upon the petitioner.

(b) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The court may consider any relevant evidence, including evidence of the considerations listed in RCW 7.94.040(3).

(c) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.

(2) The court must notify the petitioner of the impending expiration of an extreme risk protection order. Notice must be received by the petitioner ~~((one~~

~~hundred five))~~ 105 calendar days before the date the order expires.

(3) A family or household member of a respondent or a law enforcement officer or agency may by motion request a renewal of an extreme risk protection order at any time within ~~((one hundred five))~~ 105 calendar days before the expiration of the order.

(a) Upon receipt of the motion to renew, the court shall order that a hearing be held not later than ~~((fourteen))~~ 14 days from the date the order issues.

(i) The court may schedule a hearing by telephone in the manner prescribed by RCW 7.94.040(1)(a).

(ii) The respondent shall be personally served in the same manner prescribed by RCW 7.94.040(1)(b) and (c).

(b) In determining whether to renew an extreme risk protection order issued under this section, the court shall consider all relevant evidence presented by the petitioner and follow the same procedure as provided in RCW 7.94.040.

(c) If the court finds by a preponderance of the evidence that the requirements for issuance of an extreme risk protection order as provided in RCW 7.94.040 continue to be met, the court shall renew the order. However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal.

(d) The renewal of an extreme risk protection order has a duration of one year, subject to termination as provided in subsection (1) of this section or further renewal by order of the court.

(4) Any protection order issued under this chapter that would expire on a court holiday shall instead expire at the close of the next court business day.

Sec. 29. RCW 10.14.040 and 2002 c 117 s 1 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of unlawful harassment.

(1) A petition for relief shall allege the existence of harassment and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) All court clerks' offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) Filing fees are set in RCW 36.18.020, but no filing fee may be charged for a petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought or as provided in RCW 10.14.055. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) The parent or guardian of a child under age ~~((eighteen))~~ 18 may petition for an order of protection to restrain a person age ~~((eighteen))~~ 18 years or over from contact with that child upon a showing that contact with the person to be enjoined is detrimental to the welfare of the child.

(7) A party or parent may petition for an order of protection where the parties do not qualify for a domestic violence protection order under chapter 26.50 RCW, a sexual assault protection order under chapter 7.90 RCW, or stalking protection order under chapter 7.92 RCW.

(8) A minor 16 years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend. This does not preclude a parent or legal custodian of a victim 16 or 17 years of age from seeking relief on behalf of the minor.

(9) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under 18 years of age if such respondent is 16 years of age or older.

(10) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter. The appointment shall be at no cost to either party.

(11) The parent or guardian of a child under the age of ~~((eighteen))~~ 18 may petition in superior court for an order of protection to restrain a person under the age of ~~((eighteen))~~ 18 years from contact with that child only in cases where the person to be restrained has been adjudicated of an offense against the child protected by the order, or is under investigation or has been investigated for such an offense. In issuing a protection order under this subsection, the court shall consider, among the other facts of the case, the severity of the alleged offense, any continuing physical danger or emotional distress to the alleged victim, and the expense, difficulty, and educational disruption that would be caused by a transfer of the alleged offender to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of ~~((eighteen))~~ 18 years protected by the order. In the event that the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

(12) Minor children must be referred to in all publicly available filed documents by their initials and age.

Sec. 30. RCW 10.14.070 and 2013 c 84 s 30 are each amended to read as follows:

Upon receipt of the petition alleging a prima facie case of harassment, ~~((other than a petition alleging a sex offense as defined in chapter 9A.44 RCW or a petition for a stalking protection order under chapter 7.92 RCW,))~~ the court shall order a hearing which shall be held not later than ~~((fourteen))~~ 14 days from the date of the order. ~~((If the petition alleges a sex offense as defined in~~

~~chapter 9A.44 RCW, the court shall order a hearing which shall be held not later than fourteen days from the date of the order.)~~ The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five court days before the hearing unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication as provided by RCW 10.14.085. ~~((If the court permits service by publication, the))~~ The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal service was not made, the court shall set the next hearing date: (1) Within 14 days from the date of the order; (2) to an available date mutually agreed to by the parties and accepted by the court; or (3) not later than ((twenty-four)) 24 days from the date of the order upon a showing of good cause to facilitate service. The court may issue an ex parte order for protection pending the hearing as provided in RCW 10.14.080 and 10.14.085.

Sec. 31. RCW 10.14.080 and 2019 c 245 s 11 and 2019 c 46 s 5011 are each reenacted and amended to read as follows:

(1) Upon filing a petition for a civil antiharassment protection order under this chapter, the petitioner may obtain an ex parte temporary antiharassment protection order. An ex parte temporary antiharassment protection order may be granted with or without notice upon the filing of an affidavit or declaration which, to the satisfaction of the court, shows reasonable proof of unlawful harassment of the petitioner by the respondent and that great or irreparable harm will result to the petitioner if the temporary antiharassment protection order is not granted. If the court declines to issue an ex parte temporary antiharassment protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order shall be filed with the court.

(2) An ex parte temporary antiharassment protection order shall be effective ~~((for a fixed period not to exceed fourteen days or twenty four days if the court has permitted service by publication under RCW 10.14.085))~~ until the next hearing date. The ex parte order may be reissued. ~~((A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty four days if service by publication is permitted.))~~ Except as provided in RCW 10.14.070 and 10.14.085, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing. The ex parte order and notice of hearing shall include at a minimum the date and time of the hearing set by the court to determine if the temporary order should be made effective for one year or more, and notice that if the respondent should fail to appear or otherwise not respond, an order for protection will be issued against the respondent pursuant to the provisions of this chapter, for a minimum of one year from the date of the hearing. The notice shall also include a brief statement of the provisions of the ex parte order and notify the respondent that a copy of the ex parte order and notice of hearing has been filed with the clerk of the court.

(3) ~~((At the))~~ When an ex parte order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion shall be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

(4) After notice and a hearing, if the court finds by a preponderance of the evidence that unlawful harassment exists, a civil antiharassment protection order shall issue prohibiting such unlawful harassment.

~~((4))~~ (5) An order issued under this chapter shall be effective for not more than one year unless the court finds that the respondent is likely to resume unlawful harassment of the petitioner when the order expires. If so, the court may enter an order for a fixed time exceeding one year or may enter a permanent antiharassment protection order. The court shall not enter an order that is effective for more than one year if the order restrains the respondent from contacting the respondent's minor children. This limitation is not applicable to civil antiharassment protection orders issued under chapter 26.09, ~~((26.10))~~ 26.26A, or 26.26B RCW. If the petitioner seeks relief for a period longer than one year on behalf of the respondent's minor children, the court shall advise the petitioner that the petitioner may apply for renewal of the order as provided in this chapter or if appropriate may seek relief pursuant to chapter 26.09 ~~((or 26.10))~~ RCW.

~~((5))~~ (6) At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a petition for renewal. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal, the court shall order a hearing which shall be not later than ~~((fourteen))~~ 14 days from the date of the order. The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five days before the hearing. If timely service cannot be made, the court shall set a new hearing date and ~~((shall either require additional attempts at obtaining personal service or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the new hearing date not later than twenty four days from the date of the order))~~ address service as provided in RCW 10.14.070 and 10.14.085. If the order expires because timely service cannot be made, the court shall grant an ex parte order of protection as provided in this section. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume harassment of

the petitioner when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in subsection ~~((4))~~ (5) of this section.

~~((6))~~ (7) The court, in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall have broad discretion to grant such relief as the court deems proper, including an order:

(a) Restraining the respondent from making any attempts to contact the petitioner, including nonphysical contact and contact through third parties regardless of whether those third parties know of the order;

(b) Restraining the respondent from making any attempts to keep the petitioner under surveillance; and

(c) Requiring the respondent to stay a stated distance from ~~((the petitioner's))~~ a specified location including, but not limited to, a residence ~~((and)),~~ school, day care, workplace, and the protected party's person.

~~((7))~~ (8) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

~~((8))~~ (9) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

~~((9))~~ (10) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from the use or enjoyment of real property to which the respondent has a cognizable claim unless that order is issued under chapter 26.09 RCW or under a separate action commenced with a summons and complaint to determine title or possession of real property.

~~((10))~~ (11) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order shall not limit the respondent's right to care, control, or custody of the respondent's minor child, unless that order is issued under chapter 13.32A, 26.09, ~~((26.10,))~~ 26.26A, or 26.26B RCW.

~~((11))~~ (12) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent, but has failed to obtain the issuance of a civil antiharassment protection order unless good cause for such failure can be shown.

~~((12))~~ (13) The court order shall specify the date an order issued pursuant to subsections ~~((4) and)~~ (5) and (6) of this section expires, if any. The court order shall also state whether the court issued the protection order following personal service or service by mail, electronic means, or publication and whether the court has approved service by mail, electronic means, or publication of an order issued under this section. Law enforcement shall attempt to serve any order that includes an order to surrender weapons or that requires vacating a shared residence.

(14) Any protection order issued under this chapter that would expire on a court holiday shall instead expire at the close of the next court business day.

Sec. 32. RCW 10.14.085 and 2016 c 202 s 4 are each amended to read as follows:

(1) If the respondent was not personally served with ~~((the))~~ a petition authorized by this chapter, notice of hearing, and any ex parte order before the hearing, the court shall ~~((reset the hearing for twenty four days from the date of entry of the order and may))~~ set a new hearing date as provided in RCW 10.14.070 and 10.14.080 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under either or both of the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual

notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer ~~((files an affidavit stating))~~ states that the officer was unable to complete personal service upon the respondent ~~((The affidavit must describe))~~ and describes the number and types of attempts the officer made to complete service;

~~((b))~~ (ii) The petitioner ~~((files an affidavit stating))~~ states that the petitioner believes that the respondent is hiding from the server to avoid service ~~((The petitioner's affidavit must state))~~ and states the reasons for the belief that the respondent is avoiding service;

~~((c))~~ (iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and

~~((d))~~ (iv) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that

further attempts to personally serve the respondent would be futile or unduly burdensome.

(2) The court shall reissue (~~the~~) any temporary order of protection (~~not to exceed another twenty four days from the date of reissuing the ex parte protection order and order to provide service by publication~~) as provided in RCW 10.14.070 and 10.14.080 to allow additional service attempts.

(3) (~~The~~) Service by publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons shall contain the date of the first publication, and shall require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons shall also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons shall be essentially in the following form:

In the court of the state of Washington for the county of

.....,
Petitioner

vs. No.

.....,
Respondent

The state of Washington to
(respondent):

You are hereby summoned to appear on the day of, (year), at a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of chapter 10.14 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order). A

copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

(4) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(5) The court may authorize multiple methods of service permitted by this section and may consider the use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition. Even where alternate service has been authorized to commence the lawsuit, for reasons of safety, law enforcement shall attempt to serve any order that includes an order to surrender weapons or that requires vacating a shared residence.

Sec. 33. RCW 10.14.100 and 2019 c 245 s 12 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsections (5) and (7) of this section

or otherwise authorized pursuant to RCW 10.14.085.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If the sheriff or municipal peace officer cannot complete service upon the respondent within ~~((ten))~~ 10 days, the sheriff or municipal peace officer shall notify the petitioner.

(4) Returns of service under this chapter shall be made in accordance with the applicable court rules. Returns of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

(5) If an order entered by the court recites that the respondent appeared ~~((in person))~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been ~~((personally))~~ served with the temporary order.

(6) Except in cases where the petitioner has fees waived under RCW 10.14.055 or is granted leave to proceed in forma pauperis, municipal police departments serving documents as required under this chapter may collect the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

(7) If the court previously entered an order allowing service by mail, electronic means, or publication of the notice of hearing and temporary order of protection pursuant to RCW 10.14.085, the court may permit service by mail, electronic means, or publication of the order of protection issued under RCW 10.14.080 ~~((Service by publication must comply with the requirements of RCW 10.14.085))~~, except that law enforcement

must personally serve a final order that includes an order to surrender weapons or that requires vacating a shared residence.

Sec. 34. RCW 10.14.105 and 1992 c 143 s 13 are each amended to read as follows:

Following completion of service ~~((by publication))~~ as provided in RCW 10.14.085, if the respondent fails to appear at the hearing, the court may issue an order of protection as provided in RCW 10.14.080. That order must be served pursuant to RCW 10.14.100, and forwarded to the appropriate law enforcement agency pursuant to RCW 10.14.110.

Sec. 35. RCW 10.14.110 and 1992 c 143 s 16 are each amended to read as follows:

(1) A copy of an antiharassment protection order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The law enforcement agency shall expunge expired orders from the computer system. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based system shall include notice to law enforcement whether the order was ~~((personally))~~ served ~~((or served))~~ personally, by publication, by mail, or by electronic means.

Sec. 36. RCW 10.14.130 and 2006 c 138 s 22 are each amended to read as follows:

Protection orders authorized under this chapter shall not be issued for any action specifically covered by chapter 7.90, 7.92, 10.99, or 26.50 RCW.

Sec. 37. RCW 10.14.150 and 2019 c 216 s 1 are each amended to read as follows:

(1) ~~((The district))~~ District courts shall have ~~((original))~~ jurisdiction ~~((and cognizance of any))~~ over all civil actions and proceedings brought under

~~this chapter, except ((the district court shall transfer such actions and proceedings to the superior court when it is shown that (a) the respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child)) as provided in subsection (3) of this section.~~

~~(2) Municipal courts may exercise jurisdiction ((and cognizance of any) over all civil actions and proceedings brought under this chapter, except as provided in subsection (3) of this section, by adoption of local court rule ((, except the municipal court shall transfer such actions and proceedings to the superior court when it is shown that (a) the respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.~~

~~(3) The civil jurisdiction of district and municipal courts under this chapter is limited to the issuance and enforcement of temporary orders for protection in cases that require transfer to superior court under subsections (1) and (2) of this section. The district or municipal court shall transfer the case to superior court after the temporary order is entered.~~

~~(4) Superior courts shall have concurrent jurisdiction to receive transfer of antiharassment petitions in cases where a district or municipal court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer.~~

~~(5) The municipal and district courts shall have jurisdiction and cognizance of any criminal actions brought under RCW 10.14.120 and 10.14.170).~~

(3) Only superior courts have jurisdiction over civil actions and proceedings brought under this chapter where: (a) The respondent is under 18

years of age; (b) the action involves title to or possession of real property, including exclusion from a dwelling; (c) the superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action involves interference with a respondent's care, control, or custody of the respondent's minor child or children. District and municipal courts shall have jurisdiction over such cases limited to issuing and reissuing temporary orders of protection, scheduling hearings in superior court according to the superior court's practice, and transferring cases to the superior court. If the superior court determines that a petition has been filed in or transferred to the superior court, but the petitioner has not established any grounds under (a) through (d) of this subsection for superior court jurisdiction, the court may for good cause, including timely resolution of the petition, hear the merits of the petition and has jurisdiction to do so, or the court may transfer the petition to an appropriate court. When the jurisdiction of a district or municipal court is limited and the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(4) Enforcement of orders issued under this chapter must comply with general criminal jurisdiction and venue laws, rules, and procedures.

Sec. 38. RCW 10.14.160 and 2005 c 196 s 2 are each amended to read as follows:

~~((For the purposes of this chapter an) An action ((may be brought in:~~

~~(1) The judicial district of the county in which the alleged acts of unlawful harassment occurred;~~

~~(2) The judicial district of the county where any respondent resides at the time the petition is filed;~~

~~(3) The judicial district of the county where a respondent may be served if it is the same county or judicial district where a respondent resides;~~

~~(4) The municipality in which the alleged acts of unlawful harassment occurred;~~

~~(5) The municipality where any respondent resides at the time the petition is filed; or~~

~~(6) The municipality where a respondent may be served if it is the same county or judicial district where a respondent resides)) under this chapter must be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid harassment. In that case, the petitioner may bring the action in the county or municipality of the previous or new household or residence.~~

Sec. 39. RCW 26.50.010 and 2019 c 263 s 204 are each amended to read as follows:

As used in this chapter, the following terms shall have the meanings given them:

(1) "Court" includes the superior, district, and municipal courts of the state of Washington.

(2) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(3) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one intimate partner by another intimate partner; or (b) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(4) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(5) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes but is not limited to clothing, cribs, bedding, documents, medications, and personal hygiene items.

(6) "Family or household members" means: (a) Adult persons related by blood or marriage; (b) ~~(adult)~~ persons who are presently residing together or who have resided together in the past; and (c) persons who have a biological or legal parent-child relationship,

including stepparents and stepchildren and grandparents and grandchildren.

(7) "Intimate partner" means: (a) Spouses, or domestic partners; (b) former spouses, or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; (d) adult persons presently or previously residing together who have or have had a dating relationship; (e) persons ~~((sixteen))~~ 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship; and (f) persons ~~((sixteen))~~ 16 years of age or older with whom a person ~~((sixteen))~~ 16 years of age or older has or has had a dating relationship.

(8) "Judicial day" does not include Saturdays, Sundays, or legal holidays.

Sec. 40. RCW 26.50.020 and 2019 c 263 s 205 are each amended to read as follows:

(1)(a) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.

(b) Any person ~~((thirteen))~~ 13 years of age or older may seek relief under this chapter by filing a petition with a court alleging that he or she has been the victim of violence in a dating relationship and the respondent is ~~((sixteen))~~ 16 years of age or older.

(2) ~~((a))~~ A ~~((person under eighteen years of age))~~ minor who is ~~((sixteen))~~ 16 years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend.

~~((b) A person under sixteen years of age who is seeking relief under subsection (1)(b) of this section is required to seek relief by a parent, guardian, guardian ad litem, or next friend.)~~ This does not preclude a parent or legal custodian of a victim 16 or 17 years of age from seeking relief on behalf of the minor.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under ~~((eighteen))~~ 18

years of age if such respondent is ((~~sixteen~~)) 16 years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter.

(5) Any petition filed under this chapter must specify whether the victim and respondent of the alleged domestic violence are intimate partners or family or household members within the meaning of RCW 26.50.010.

(6) The courts defined in RCW 26.50.010 have jurisdiction over proceedings under this chapter. The jurisdiction of district and municipal courts under this chapter shall be limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 26.50.070 if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter 13.34 RCW involving the parties; (b) the petition for relief under this chapter presents issues of residential schedule of and contact with children of the parties; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing provided for in RCW 26.50.050 in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(7) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.

(8) A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse.

(9) For the purposes of this section "next friend" means any competent

individual, over ((~~eighteen~~)) 18 years of age, chosen by the minor and who is capable of pursuing the minor's stated interest in the action.

(10) Enforcement of orders issued under this chapter must comply with general criminal jurisdiction and venue laws, rules, and procedures.

Sec. 41. RCW 26.50.025 and 2019 c 46 s 5036 are each amended to read as follows:

(1) Any order available under this chapter may be issued in actions under chapter 26.09, ((~~26.10~~)) 26.26A, or 26.26B RCW. If an order for protection is issued in such an action ((~~under chapter 26.09, 26.10, 26.26A, or 26.26B RCW~~)), the order shall be issued on the forms mandated by RCW 26.50.035(1). An order issued in accordance with this subsection is fully enforceable and shall be enforced under the provisions of this chapter.

(2) If a party files an action under chapter 26.09, ((~~26.10~~)) 26.26A, or 26.26B RCW, an order issued previously under this chapter between the same parties may be consolidated by the court under that action and cause number. Any order issued under this chapter after consolidation shall contain the original cause number and the cause number of the action under chapter 26.09, ((~~26.10~~)) 26.26A, or 26.26B RCW. Relief under this chapter shall not be denied or delayed on the grounds that the relief is available in another action.

Sec. 42. RCW 26.50.030 and 2005 c 282 s 39 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of domestic violence.

(1) A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. Petitioner and respondent shall disclose the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.281 and the existence of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or

other action between the parties except in cases where the court realigns petitioner and respondent in accordance with RCW 26.50.060(4).

(3) Within (~~ninety~~) 90 days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW 26.50.035 and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) No filing fee may be charged for proceedings under this section. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) Minor children must be referred to in all publicly available filed documents by their initials and age.

Sec. 43. RCW 26.50.035 and 2019 c 263 s 912 and 2019 c 46 s 5037 are each reenacted and amended to read as follows:

(1) The administrative office of the courts shall develop and prepare instructions and informational brochures required under RCW 26.50.030(4), standard petition and order for protection forms, and a court staff handbook on domestic violence and the protection order process. The standard petition and order for protection forms must be used after September 1, 1994, for all petitions filed and orders issued under this chapter. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including a representative of the state domestic violence coalition, judges, and law enforcement personnel.

(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of standard petition and order for protection forms.

(b) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating a domestic violence protection order as

provided under this chapter, an antiharassment no-contact order as provided under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided under chapters 26.09, (~~26.107~~) 26.26A, 26.26B, and 26.44 RCW, an antiharassment protection order as provided by chapter 10.14 RCW, a foreign protection order as defined in chapter 26.52 RCW, and a Canadian domestic violence protection order as defined in RCW 26.55.010.

(c) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application."

(d) The court staff handbook shall allow for the addition of a community resource list by the court clerk.

(2) All court clerks shall obtain a community resource list from a domestic violence program, defined in RCW 70.123.020, serving the county in which the court is located. The community resource list shall include the names and telephone numbers of domestic violence programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, legal assistance programs, interpreters, multicultural programs, and batterers' treatment programs. The court shall make the community resource list available as part of or in addition to the informational brochures described in subsection (1) of this section.

(3) The administrative office of the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a master copy of the petition and order forms to all superior, district, and municipal courts.

(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

(5) The administrative office of the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by January 1, 1997.

(6) The administrative office of the courts shall update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

Sec. 44. RCW 26.50.050 and 2008 c 287 s 2 are each amended to read as follows:

Upon receipt of the petition, the court shall order a hearing which shall be held not later than ~~((fourteen))~~ 14 days from the date of the order. The court may schedule a hearing in person or by telephone ~~((pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further acts of domestic violence. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing))~~, video, or other electronic means with appropriate safeguards as determined by the court. Except as provided in RCW 26.50.085 ~~((and 26.50.123))~~, personal service shall be made upon the respondent not less than five court days prior to the hearing unless waived by the respondent. If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining personal service or permit service by mail, electronic means, or publication as provided in RCW 26.50.085 ~~((or service by mail as provided in RCW 26.50.123))~~. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication ~~((or by mail))~~ unless the petitioner requests additional time to attempt personal service. ~~((If the court permits service by publication or by mail))~~ In cases where personal service was not made, the court shall set the

next hearing date: (1) Within 14 days from the date of the order; (2) to an available date mutually agreed to by the parties and accepted by the court; or (3) not later than ~~((twenty-four))~~ 24 days from the date of the order upon a showing of good cause to facilitate service. The court may issue an ex parte order for protection pending the hearing as provided in RCW 26.50.070 ~~((7))~~ and 26.50.085 ~~((7 and 26.50.123))~~.

Sec. 45. RCW 26.50.060 and 2020 c 311 s 9 are each amended to read as follows:

(1) Upon notice and after hearing, when the petitioner proves his or her allegations by a preponderance of the evidence, the court ~~((may provide))~~ has broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) ~~((Prohibit))~~ Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, and the protected party's person;

(d) Restrain the respondent from making any attempts to contact the petitioner, including nonphysical contact and contact through third parties regardless of whether those third parties know of the order;

(e) Restrain the respondent from making any attempts to keep the petitioner under surveillance;

(f) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

~~((e))~~ (g) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

~~((f))~~ (h) Order other relief as it deems necessary for the protection of the petitioner and other family or household

members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

~~((g))~~ (i) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with the state supreme court's admission to practice rule 28, the limited practice rule for limited license legal technicians;

~~((h))~~ (j) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

~~((i))~~ (k) Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

~~((j))~~ (l) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

~~((k))~~ (m) Consider the provisions of RCW 9.41.800 and order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800;

~~((l))~~ (n) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control

of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

~~((m))~~ (o) Order use of a vehicle; and

~~((n))~~ (p) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the order for protection is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought an order for protection under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, ~~((26.10))~~ 26.26A, or 26.26B RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant

relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09, 26.26A, or 26.26B RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made, the court shall set a new hearing date and ~~((shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123))~~ address service as provided in RCW 26.50.050. If the court permits service by mail, electronic means, or publication ((or mail)), the court shall set the new hearing date ~~((not later than twenty-four days from the date of the order))~~ as provided in RCW 26.50.050. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1) ~~((4))~~ (i) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as

"petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, ((service by publication,)) or service by mail, electronic means, or publication, and whether the court has approved service by mail, electronic means, or publication ((or mail)) of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 46. RCW 26.50.070 and 2019 c 245 s 14 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

(f) Restraining the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.

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

(3) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(4) The court shall hold an ex parte hearing in person or by telephone, video, or electronic means with adequate safeguards as determined by the court on the day the petition is filed or on the following judicial day.

(5) An ex parte temporary order for protection shall be effective ~~((for a fixed period not to exceed fourteen days or twenty four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123))~~ until the next hearing date. The ex parte temporary order may be reissued. ~~((A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the ex parte temporary order or not later than twenty four days if service by publication or by mail is permitted.))~~ Except as provided in RCW 26.50.050 ~~((7))~~ and 26.50.085 ~~((7 and 26.50.123))~~, the respondent shall be

personally served with a copy of the ex parte temporary order along with a copy of the petition and notice of the date set for the hearing.

(6) Any order issued under this section shall contain the date and time of issuance ~~((and))~~, the expiration date, the date and time of the next hearing, and notice that, if the respondent should fail to appear or otherwise respond, a protection order will be issued against the respondent for a minimum of one year from the date of the hearing. The order shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(7) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order for protection shall be filed with the court.

(8) When an ex parte temporary order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte temporary order is not meritorious and will cause imminent harm to the respondent before the hearing can occur or that the order or its remedy is not authorized by this chapter. The respondent shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion shall be heard expeditiously. The respondent is limited to one motion to terminate or modify an ex parte temporary order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

Sec. 47. RCW 26.50.085 and 2016 c 202 s 25 are each amended to read as follows:

(1) If the respondent was not personally served with ~~((the))~~ a petition authorized by this chapter, a notice of hearing, and any ex parte order before the hearing, the court shall ~~((reset the hearing for twenty four days from the date of entry of the order and may order))~~ set a new hearing date as provided in RCW 26.50.070 and 26.50.080 and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service

under the following circumstances established by affidavit or declaration:

(a) The court determines that the petitioner was unable to personally serve the respondent after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the respondent;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the respondent's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of communications with the respondent;

(v) Information concerning the respondent's whereabouts; and

(vi) Any other information relating to the inability to personally serve the respondent and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the respondent is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer (~~files an affidavit stating~~) states that the officer was unable to complete personal service upon the respondent (~~The affidavit must describe~~) and describes the number and types of attempts the officer made to complete service;

(~~(b)~~) (ii) The petitioner (~~files an affidavit stating~~) states that the petitioner believes that the respondent is hiding from the server to avoid service (~~The petitioner's affidavit must state~~) and states the reasons for the belief that the respondent is avoiding service;

(~~(e)~~) (iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the

respondent's last known address, unless the server states that the server does not know the respondent's address; and

(~~(d)~~) (iv) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.

(2) The court shall reissue (~~the~~) any temporary order of protection (~~not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication~~) as provided in RCW 26.50.070 and 26.50.080 to allow additional service attempts.

(3) (~~The~~) Service by publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons shall contain the date of the first publication, and shall require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons shall also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons shall be essentially in the following form:

In the court of the state of Washington for the county of

, Petitioner

vs. No.

, Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the day of, (year), at a.m./p.m., and respond to the petition. If you fail to

respond, an order of protection will be issued against you pursuant to the provisions of the domestic violence protection act, chapter 26.50 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

(4) Service by electronic means includes service by email, text message, or social media applications. Service by mail must be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means shall be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(5) The court may authorize multiple methods of service permitted by this section and may consider the use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

Sec. 48. RCW 26.50.090 and 2019 c 245 s 15 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsections (6) and (8) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ~~((ten))~~ 10 days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules. Returns of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

(6) If an order entered by the court recites that the respondent appeared ~~((in person))~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order.

(7) Municipal police departments serving documents as required under this chapter may collect from respondents ordered to pay fees under RCW 26.50.060 the same fees for service and mileage

authorized by RCW 36.18.040 to be collected by sheriffs.

(8) If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by mail, electronic means, or publication pursuant to RCW 26.50.085 (~~or by mail pursuant to RCW 26.50.123~~), the court may permit the same means of service (~~by publication or by mail~~) of the order of protection issued under RCW 26.50.060, except that law enforcement must personally serve a final order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license, or that requires vacating a shared residence or transferring the care, control, or custody of children. ((Service by publication must comply with the requirements of RCW 26.50.085 and service by mail must comply with the requirements of RCW 26.50.123.)) The court order must state (~~whether the court permitted service by publication or by mail~~) the approved means of service.

(9) Any protection order issued under this chapter that would expire on a court holiday shall instead expire at the close of the next court business day.

Sec. 49. RCW 26.50.095 and 1995 c 246 s 12 are each amended to read as follows:

Following completion of service by mail, electronic means, or publication (~~as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123~~), if the respondent fails to appear at the hearing, the court may issue an order of protection as provided in RCW 26.50.060. That order must be served pursuant to RCW 26.50.090, and forwarded to the appropriate law enforcement agency pursuant to RCW 26.50.100.

Sec. 50. RCW 26.50.100 and 1996 c 248 s 15 are each amended to read as follows:

(1) A copy of an order for protection granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for the period stated in the order. The law enforcement agency shall

only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was (~~personally~~) served personally, (~~served~~) by mail, by electronic means, or by publication (~~or served by mail~~).

Sec. 51. RCW 26.50.110 and 2019 c 263 s 913 and 2019 c 46 s 5039 are each reenacted and amended to read as follows:

(1)(a) Whenever an order is granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10~~) 26.26A, 26.26B, or 74.34 RCW, any temporary order for protection is granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, there is a valid foreign protection order as defined in RCW 26.52.020, or there is a valid Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order or a Canadian domestic

violence protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(ii) Shall impose a fine of (~~fifteen dollars~~) \$15, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the (~~fifteen dollar~~) \$15 fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10~~) 26.26A, 26.26B, or 74.34 RCW, any temporary order for protection granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10~~) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, shall also constitute contempt of court, and is

subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10~~) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10~~) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10~~) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020 or a valid Canadian domestic violence protection order as defined in RCW 26.55.010. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, (~~26.10~~) 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, the court may issue an order to the respondent, requiring the respondent to appear and show cause within (~~fourteen~~) 14 days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 52. RCW 26.50.130 and 2019 c 245 s 16 are each amended to read as follows:

(1) Upon a motion with notice to all parties and after a hearing, the court may modify the terms of an existing order for protection or may terminate an existing order for protection.

(2) A respondent's motion to modify or terminate ~~((a))~~ a final order for protection ~~((that is permanent or issued for a fixed period exceeding two years))~~ must include a declaration setting forth facts supporting the requested order for termination or modification. The motion and declaration must be served according to subsection (8) of this section. The nonmoving parties to the proceeding may file opposing declarations. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion.

(3)(a) The court may not terminate an order for protection that is permanent or issued for a fixed period exceeding two years upon a motion of the respondent unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent is not likely to resume acts of domestic violence against the petitioner or those persons protected by the protection order if the order is terminated. In a motion by the respondent for such termination ~~((of an order for protection that is permanent or issued for a fixed period exceeding two years))~~, the petitioner bears no burden of proving that he or she has a current reasonable fear of imminent harm by the respondent.

(b) For the purposes of this subsection, a court shall determine whether there has been a "substantial change in circumstances" by considering only factors which address whether the respondent is likely to commit future acts of domestic violence against the petitioner or those persons protected by the protection order.

(c) In determining whether there has been a substantial change in circumstances the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(i) Whether the respondent has committed or threatened domestic violence, sexual assault, stalking, or other violent acts since the protection order was entered;

(ii) Whether the respondent has violated the terms of the protection order, and the time that has passed since the entry of the order;

(iii) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(iv) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(v) Whether the respondent has either acknowledged responsibility for the acts of domestic violence that resulted in entry of the protection order or successfully completed domestic violence perpetrator treatment or counseling since the protection order was entered;

(vi) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(vii) Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly;

(viii) Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that acts of domestic violence may be committed from any distance;

(ix) Other factors relating to a substantial change in circumstances.

(d) In determining whether there has been a substantial change in circumstances, the court may not base its determination solely on: (i) The fact that time has passed without a violation of the order; or (ii) the fact that the respondent or petitioner has relocated to an area more distant from the other party.

(e) Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(4) The court may not modify an order for protection that is permanent or

issued for a fixed period exceeding two years upon a motion of the respondent unless the respondent proves by a preponderance of the evidence that the requested modification is warranted. If the requested modification would reduce the duration of the protection order or would eliminate provisions in the protection order restraining the respondent from harassing, stalking, threatening, or committing other acts of domestic violence against the petitioner or the petitioner's children or family or household members or other persons protected by the order, the court shall consider the factors in subsection (3)(c) of this section in determining whether the protection order should be modified. Upon a motion by the respondent for such modification (~~(of an order for protection that is permanent or issued for a fixed period exceeding two years)~~), the petitioner bears no burden of proving that he or she has a current reasonable fear of imminent harm by the respondent.

(5) A respondent may file a motion to terminate or modify an order no more than once in every (~~(twelve)~~) 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal.

(6) Upon a motion by a petitioner, the court may modify or terminate an existing order for protection. The court shall hear the motion without an adequate cause hearing.

(7) A court may require the respondent to pay court costs and service fees, as established by the county or municipality incurring the expense and to pay the petitioner for costs incurred in responding to a motion to terminate or modify a protection order, including reasonable attorneys' fees.

(8) Except as provided in RCW 26.50.085 (~~(and 26.50.123)~~), a motion to modify or terminate an order for protection must be personally served on the nonmoving party not less than five court days prior to the hearing.

(a) If a moving party seeks to modify or terminate an order for protection that is permanent or issued for a fixed period exceeding two years, the sheriff of the county or the peace officers of the municipality in which the nonmoving party resides or a licensed process server shall serve the nonmoving party personally except when a petitioner is the moving party and elects to have the

nonmoving party served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(b) If the sheriff, municipal peace officer, or licensed process server cannot complete service upon the nonmoving party within (~~(ten)~~) 10 days, the sheriff, municipal peace officer, or licensed process server shall notify the moving party. The moving party shall provide information sufficient to permit notification by the sheriff, municipal peace officer, or licensed process server.

(c) If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining personal service or permit service by publication as provided in RCW 26.50.085 (~~(or service by mail as provided in RCW 26.50.123)~~).

(d) The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or by mail unless the moving party requests additional time to attempt personal service.

(e) If the court permits service by publication or by mail, the court shall set the hearing date not later than (~~(twenty-four)~~) 24 days from the date of the order permitting service by publication or by mail.

(9) Municipal police departments serving documents as required under this chapter may recover from a respondent ordered to pay fees under subsection (7) of this section the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

(10) In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the law enforcement information system.

Sec. 53. RCW 26.50.160 and 2019 c 263 s 914 and 2019 c 46 s 5040 are each reenacted and amended to read as follows:

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a database containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every sexual assault protection order issued under chapter 7.90 RCW, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, (~~every third-party custody action under chapter 26.10 RCW,~~) every parentage action under chapter 26.26A or 26.26B RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, every Canadian domestic violence protection order filed under chapter 26.55 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services or department of children, youth, and families has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought shall be included in the database as a party rather than the guardian or appropriate department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

Sec. 54. RCW 74.34.120 and 2007 c 312 s 5 are each amended to read as follows:

(1) The court shall order a hearing on a petition under RCW 74.34.110 not later than (~~fourteen~~) 14 days from the date of filing the petition. The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court.

(2) Personal service shall be made upon the respondent not less than (~~six~~) five court days before the hearing(~~-~~

~~When good faith attempts to personally serve the respondent have been unsuccessful, the court shall permit service by mail or by publication)), unless waived by the respondent. The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication, as provided in this section. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal service was not made, the court shall set the next hearing date:~~
~~(a) Within 14 days from the date of the order; (b) to an available date mutually agreed to by the parties and accepted by the court; or (c) not later than 24 days from the date of the order upon a showing of good cause to facilitate service.~~

(3) When a petition under RCW 74.34.110 is filed by someone other than the vulnerable adult, notice of the petition and hearing must be personally served upon the vulnerable adult not less than (~~six~~) five court days before the hearing unless waived by the respondent. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice to the vulnerable adult using the standard notice form developed under RCW 74.34.115. (~~When good faith attempts to personally serve the vulnerable adult have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained.~~) If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by mail, electronic means, or publication, as provided in this section. The court shall not require more than two attempts at obtaining personal service and shall permit service by mail, electronic means, or publication unless the petitioner requests additional time to attempt personal service. In cases where personal

service was not made, the court shall set the next hearing date: (a) Within 14 days from the date of the order; (b) to an available date mutually agreed to by the parties and accepted by the court; or (c) not later than 24 days from the date of the order upon a showing of good cause to facilitate service.

(4) If timely service under subsections (2) and (3) of this section cannot be made, the court shall continue the hearing date until the substitute service approved by the court has been satisfied.

(5)(a) A petitioner may move for temporary relief under chapter 7.40 RCW. The court may continue any temporary order for protection granted under chapter 7.40 RCW until the hearing on a petition under RCW 74.34.110 is held.

(b) Written notice of the request for temporary relief must be provided to the respondent, and to the vulnerable adult if someone other than the vulnerable adult filed the petition. A temporary protection order may be granted without written notice to the respondent and vulnerable adult if it clearly appears from specific facts shown by affidavit or declaration that immediate and irreparable injury, loss, or damage would result to the vulnerable adult before the respondent and vulnerable adult can be served and heard, or that show the respondent and vulnerable adult cannot be served with notice, the efforts made to serve them, and the reasons why prior notice should not be required. When an ex parte temporary protection order has been entered without notice to the respondent or an ability for the respondent to participate in the ex parte hearing, the respondent or vulnerable adult may file a motion to terminate or modify the order prior to a final hearing on the grounds that the ex parte temporary protection order will cause imminent harm to the respondent or vulnerable adult or that the order or its remedy is not authorized by this chapter. The party moving to terminate or modify the ex parte temporary protection order shall provide advance notice to the petitioner of the time and place for presentation of the motion. The motion must be heard expeditiously. A party is limited to one motion to terminate or modify an ex parte temporary protection order. If the court determines that the motion has been brought in bad faith, the court may impose sanctions.

(6) If the respondent or, in cases where the petition is filed by someone other than the vulnerable adult, the vulnerable adult, was not personally served with a petition authorized by this chapter, a notice of hearing, and any ex parte temporary protection order before the hearing, the court shall set a new hearing date as provided in this section and shall either permit additional personal service attempts or order service by mail, electronic means, or publication instead of personal service under the following circumstances established by affidavit or declaration:

(a) The court determines that the party to be served could not be personally served after a diligent effort and the proposed alternate service is reasonably probable to provide actual notice based upon consideration of the following:

(i) A means of service other than personal service is reasonably calculated to provide notice under the circumstances, including the inability to timely personally serve the party;

(ii) A description of the number and types of attempts made to complete personal service;

(iii) A description of the party's known address or addresses, contact information, and electronic addresses or electronic accounts;

(iv) A description of the communications with the party;

(v) Information concerning the party's whereabouts; and

(vi) Any other information relating to the inability to personally serve the party and the reasonable probability that alternate service will provide actual notice; or

(b) The court determines that the party to be served is avoiding personal service, based upon consideration of the following:

(i) The sheriff or municipal officer states that the officer was unable to complete personal service upon the party and describes the number and types of attempts the officer made to complete service;

(ii) The petitioner states that the petitioner believes that the party is hiding from the server to avoid service

and states the reasons for the belief that the party is avoiding service;

(iii) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (7) of this section, the notice of hearing, and the ex parte temporary order of protection in the post office, directed to the party at the party's last known address, unless the server states that the server does not know the party's address; and

(iv) The court finds reasonable grounds exist to believe that the party is concealing himself or herself to avoid service, and that further attempts to personally serve the party would be futile or unduly burdensome.

(7) Service by publication must be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons must not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and must require the respondent, upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte temporary order. The summons must be essentially in the following form:

In the court of the state of Washington for the county of

..... Petitioner

vs. No.

..... Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the day of, (year), at a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the

provisions of chapter 74.34 RCW, for a fixed period of time up to five years from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

(8) Service by electronic means includes service by email, text message, or social media applications. Service by mail shall be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address. In the case of mailing, two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. Service by electronic means shall be made by any person over 18 years of age, who is competent to be a witness, other than a party, by transmitting copies of the order and other process to the party to be served at his or her electronic address or electronic account associated with email, text messaging, or social media applications. Sworn proof of service by law enforcement or an adult who is not the petitioner must be filed with the court. Service under this section may be used in the same manner and shall have the same jurisdictional effect as personal service for purposes of this chapter. Service shall be deemed complete upon the mailing or transmission as prescribed in this section.

(9) The court may authorize multiple methods of service permitted by this section and may consider the use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

(10) If the sheriff or municipal peace officer cannot complete service upon the respondent within 10 days, the sheriff or municipal peace officer shall notify the petitioner.

(11) Returns of service under this chapter must be made in accordance with the applicable court rules. Returns of service must include all known information concerning receipt and responses from the respondent, including for service by mail or electronic means.

(12) If an order entered by the court recites that the party to be served appeared before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order, except that law enforcement must personally serve a final order requiring the vacation of a shared residence.

Sec. 55. RCW 74.34.130 and 2007 c 312 s 6 are each amended to read as follows:

(The) (1) After notice and a hearing, if the court finds by a preponderance of the evidence that a vulnerable adult has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by the respondent, the court may order relief as it deems necessary for the protection of the vulnerable adult, including, but not limited to the following:

(~~(1)~~) (a) Restraining respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against the vulnerable adult;

(~~(2)~~) (b) Excluding the respondent from the vulnerable adult's residence for a specified period or until further order of the court;

(~~(3)~~) (c) Prohibiting contact with the vulnerable adult by respondent for a specified period or until further order of the court, including nonphysical contact and contact through third parties regardless of whether those third parties know of the order;

(~~(4)~~) (d) Prohibiting the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a

residence, school, day care, workplace, and the protected party's person;

(~~(5)~~) (e) Requiring an accounting by respondent of the disposition of the vulnerable adult's income or other resources;

(~~(6)~~) (f) Restraining the transfer of the respondent's and/or vulnerable adult's property for a specified period not exceeding (~~ninety~~) 90 days; and

(~~(7)~~) (g) Requiring the respondent to pay a filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

(2) If the court declines to issue an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

(3) Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed five years. Any final protection order may be renewed one or more times. The petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The court shall grant the petition for renewal unless the respondent or, if the petitioner is someone other than the vulnerable adult, the vulnerable adult, proves by a preponderance of the evidence that the respondent will not resume acts of abandonment, abuse, financial exploitation, or neglect against the vulnerable adult when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section.

(4) The clerk of the court shall enter any order for protection issued under this section into the judicial information system.

(5) When an order is issued under this chapter, upon request of the protected adult, the court may order a peace officer to accompany the protected adult and assist in placing the protected adult in possession of those items indicated in the order or to otherwise assist in the execution of the order of protection. The order shall list all items that are to be included with sufficient specificity to make it clear which property is included. Orders issued under this chapter must

include a designation of the appropriate law enforcement agency to execute, serve, or enforce the order. Upon entry of such an order, a peace officer shall accompany the protected adult and assist in placing the protected adult in possession of all items listed in the order and to otherwise assist in the execution of the order.

(6) Any protection order issued under this chapter that would expire on a court holiday shall instead expire at the close of the next court business day.

Sec. 56. RCW 74.34.135 and 2007 c 312 s 9 are each amended to read as follows:

(1) When a petition for protection under RCW 74.34.110 is filed by someone other than the vulnerable adult or the vulnerable adult's full guardian over either the person or the estate, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that he or she does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any protection order issued under RCW 74.34.120 or 74.34.130, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary order for protection of the vulnerable adult pending a decision after the evidentiary hearing.

(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held within ~~((fourteen))~~ 14 days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the evidentiary hearing shall be held within ~~((fourteen))~~ 14 days of the prior hearing

on the petition. Notice of the time and place of the evidentiary hearing shall be personally served upon the vulnerable adult and the respondent not less than ~~((six))~~ five court days before the hearing. When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service ~~((by mail, or by publication if the court determines that personal service and service by mail cannot be obtained))~~ pursuant to RCW 74.34.120. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be fully incapacitated over either the person or the estate, or both, under the guardianship laws, chapter 11.88 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing scheduled by the court, the court shall give the vulnerable adult, the respondent, the petitioner, and in the court's discretion other interested persons, the opportunity to testify and submit relevant evidence. The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the individual continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the individual continues to need protection, the court shall order relief consistent with RCW 74.34.130 as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the expressed wishes of the vulnerable adult, the court's order shall be governed by the legislative findings contained in RCW 74.34.005.

Sec. 57. RCW 74.34.135 and 2020 c 312 s 737 are each amended to read as follows:

(1) When a petition for protection under RCW 74.34.110 is filed by someone other than the vulnerable adult or the vulnerable adult's guardian, conservator, or person acting under a protective arrangement, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that he or she does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any protection order issued under RCW 74.34.120 or 74.34.130, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary order for protection of the vulnerable adult pending a decision after the evidentiary hearing.

(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held within ~~((fourteen))~~ 14 days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the evidentiary hearing shall be held within ~~((fourteen))~~ 14 days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing shall be personally served upon the vulnerable adult and the respondent not less than ~~((six))~~ five court days before the hearing. When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service ~~((by mail, or by publication if the court determines that personal service and service by mail cannot be obtained))~~ pursuant to RCW 74.34.120. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is

not necessary if the vulnerable adult has been determined to be subject to a guardianship, conservatorship, or other protective arrangement under chapter 11.130 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing scheduled by the court, the court shall give the vulnerable adult, the respondent, the petitioner, and in the court's discretion other interested persons, the opportunity to testify and submit relevant evidence. The court may order that the hearing occur in person or by telephone, video, or other electronic means with appropriate safeguards as determined by the court.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the individual continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the individual continues to need protection, the court shall order relief consistent with RCW 74.34.130 as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the expressed wishes of the vulnerable adult, the court's order shall be governed by the legislative findings contained in RCW 74.34.005.

NEW SECTION. Sec. 58. Section 57 of this act takes effect January 1, 2022.

NEW SECTION. Sec. 59. Section 56 of this act expires January 1, 2022.

NEW SECTION. Sec. 60. The following acts or parts of acts are each repealed:

(1) RCW 7.90.053 (Service by mail—When authorized) and 2013 c 74 s 7;

(2) RCW 26.50.123 (Service by mail) and 1995 c 246 s 16;

(3) RCW 26.50.165 (Judicial information system—Names of adult cohabitants in third-party custody actions) and 2003 c 105 s 4; and

(4)RCW 26.10.115 (Temporary orders—Support—Restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining order—Preservation of support debt) and 2019 c 245 s 18, 2000 c 119 s 9, 1995 c 246 s 29, 1994 sp.s. c 7 s 454, & 1989 c 375 s 32."

Correct the title.

Representatives Walsh and Graham spoke in favor of the adoption of the striking amendment.

Representative Hansen spoke against the adoption of the striking amendment.

Striking amendment (206) was not adopted.

The bill was ordered engrossed.

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

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

Representative Walsh spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Lekanoff was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1320.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1320, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

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, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, 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, Rule, Schmick,

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

Excused: Representative Lekanoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1320, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1411, by Representatives Simmons, Davis, Santos, Valdez, Berry and Fitzgibbon

Expanding health care workforce eligibility.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1411 was substituted for House Bill No. 1411 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1411 was read the second time.

With the consent of the House, amendment (088) was withdrawn.

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

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

Representatives Schmick, Chambers and Caldier spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1411.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1411, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

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

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

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1411, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

HOUSE BILL NO. 1127, by Representatives Slatter, Boehnke, Valdez, Kloba, Graham, Macri and Pollet

Protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1127 was substituted for House Bill No. 1127 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1127 was read the second time.

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

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

Representatives Kraft, Sutherland, Walsh and Kraft (again) spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1127.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1127, and the bill passed the House by the following vote: Yeas, 76; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lovick, MacEwen, Macri, 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, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Corry, Dufault, Dye, Eslick, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Schmick, Sutherland, Vick, Walsh and Young.

Excused: Representative Lekanoff.

SECOND SUBSTITUTE HOUSE BILL NO. 1127, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1086, by Representatives Simmons, Caldier, Bateman, Ortiz-Self, Shewmake, Ryu, Chopp, Cody, Goodman, Fey, Stonier, Macri, Fitzgibbon, Frame and Davis

Creating the state office of behavioral health consumer advocacy.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1086 was substituted for House Bill No. 1086 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1086 was read the second time.

Representative Davis moved the adoption of amendment (261):

On page 3, line 4, after "facilities." insert "Prior to the establishment and operation of the office, the department shall solicit recommendations from members of the behavioral health community for options to rename the office and the certified behavioral health consumer advocates in a way that shows respect for the community that the office and the advocates serve. Prior to the office beginning operations, the department must rename the office and the certified behavioral health consumer advocates from the options proposed by the community."

On page 4, line 1, after "(1)" insert "Selection of a name for the contracting advocacy organization to use for the advocacy program that it operates pursuant to contract with the office. The name must be selected by the statewide advisory council established in this section and must be separate and distinguishable from that of the office.

(2) "

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

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

Amendment (261) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1086.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1086, 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, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1086, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1145, by Representative Rude

Allowing the use of nonwood renewable fiber in recycled content paper carryout bags.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1145 was substituted for House Bill No. 1145 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1145 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 Rude and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1145.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1145, 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, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1145, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1107, by Representatives Chapman, Barkis, Corry, Tharinger and Graham

Expanding certain nonresident vessel permit provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1107 was substituted for House Bill No. 1107 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1107 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 Chapman and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1107.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1107, 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, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1107, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1216, by Representatives Ramos, Callan, Lekanoff, Fitzgibbon, Kloba, Ortiz-Self, Ormsby, Hackney and Ramel

Concerning urban and community forestry.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1216 was substituted for House Bill No. 1216 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1216 was read the second time.

With the consent of the House, amendment (217) was withdrawn.

Representative Dye moved the adoption of amendment (248):

On page 5, beginning on line 37, beginning with "in" strike all material through "areas" on line 38 and insert "within an urban growth area designated under RCW 36.70A.110"

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

Representative Ramos spoke against the adoption of the amendment.

Amendment (248) was not adopted.

Representative Schmick moved the adoption of amendment (219):

On page 7, after line 24, insert the following:

"(5) An owner of private property may opt out of an urban and community forestry program established by a city, county, or federally recognized tribe pursuant to this chapter. The property owner opting out must provide notice to the city, county, or federally recognized tribe in either written or electronic form."

Representatives Schmick and Ramos spoke in favor of the adoption of the amendment.

Amendment (219) was adopted.

Representative Orcutt moved the adoption of amendment (204):

On page 10, beginning on line 16, strike all of subsection (1)

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

On page 10, line 31, after "(4)" strike all material through "communities" and insert "Communities may consult with individuals with expertise in urban forestry or landscaping"

On page 11, line 34, after "through" strike "appropriate siting of" and insert "site-appropriate"

On page 11, line 36, after "(5)" strike all material through "communities" and insert "Communities may consult with individuals with expertise in urban forestry or landscaping"

Representatives Orcutt, Orcutt (again) and Klicker spoke in favor of the adoption of the amendment.

Representative Ramos spoke against the adoption of the amendment.

Amendment (204) was not adopted.

The bill was ordered engrossed.

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

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

Representative Orcutt 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 Second Substitute House Bill No. 1216.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1216, and the bill passed the House by the following vote: Yeas, 72; Nays, 25; Absent, 0; Excused, 1.

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

Voting nay: Representatives Barkis, Chandler, Chase, Dufault, Goehner, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox and Young.

Excused: Representative Lekanoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1315, by Representatives Mosbrucker, Orwall, Ryu, Simmons, Leavitt, Sells, Wylie, Ortiz-Self, Davis, Valdez, J. Johnson, Ormsby, Rule, Lekanoff, Duerr and Goodman

Creating a task force to identify the role of the workplace in helping curb domestic violence.

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 Mosbrucker and Sells 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 House Bill No. 1315.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1315, 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, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

HOUSE BILL NO. 1315, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1423, by Representatives Fitzgibbon, Springer and Dent

Concerning smoke management civil enforcement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1423 was substituted for House Bill No. 1423 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1423 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 Fitzgibbon 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 Substitute House Bill No. 1423.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1423, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; 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, 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, 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 Dufault and McCaslin.

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1423, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1471, by Representatives Santos, Harris-Talley and Lekanoff

Concerning community preservation and development authorities.

The bill was read the second time.

Representative Santos moved the adoption of amendment (262):

On page 1, line 4, after "**Sec. 1.**" insert "RCW 43.167.003 and 2019 c 447 s 3 are each amended to read as follows:

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

(1) "Community" means a group of people who reside or work in the geographic area established by the community preservation and development authority board or the proposal to create the authority and who currently or historically share a distinct cultural identity or local history.

(2) "Community preservation and development authority" or "authority" means ~~((an authority))~~ a public body corporate and politic and instrumentality of the state of Washington created by members of an impacted community.

(3) "Constituency" means the general membership of the community preservation and development authority, which membership must be open to all persons eighteen years of age and over who are residents, property owners, employees, or business persons within the geographic boundaries established by the authority or the proposal to create the authority.

(4) "Impacted community" means a community that has been adversely impacted by the construction of, or ongoing operation of, multiple major public facilities, public works, and capital projects with significant public funding or by other land use decisions.

(5) "Major public facilities project, public works project, or capital project with significant public funding" means any capital project whose total cost exceeds ten million dollars. On July 1, 2019, and on July 1st of each odd-numbered year thereafter, the capital project cost threshold must be adjusted by the capital project cost adjustment factor for inflation established by the office of financial management.

Sec. 2."

Correct the title.

Representatives Santos and Boehnke spoke in favor of the adoption of the amendment.

Amendment (262) was adopted.

The bill was ordered engrossed.

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

Representatives Santos and Boehnke 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 House Bill No. 1471.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1471, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Representative Kraft.

Excused: Representative Lekanoff.

ENGROSSED HOUSE BILL NO. 1471, 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:

HOUSE BILL NO. 1073
HOUSE BILL NO. 1113
HOUSE BILL NO. 1115
HOUSE BILL NO. 1140
HOUSE BILL NO. 1152
HOUSE BILL NO. 1167
HOUSE BILL NO. 1169
HOUSE BILL NO. 1186
HOUSE BILL NO. 1207
HOUSE BILL NO. 1210
HOUSE BILL NO. 1214
HOUSE BILL NO. 1219

HOUSE BILL NO. 1227
HOUSE BILL NO. 1236
HOUSE BILL NO. 1258
HOUSE BILL NO. 1301
HOUSE BILL NO. 1370
HOUSE BILL NO. 1376
HOUSE BILL NO. 1386
HOUSE BILL NO. 1441
HOUSE BILL NO. 1446
HOUSE BILL NO. 1476
HOUSE BILL NO. 1504

There being no objection, the House adjourned until 9:00 a.m., March 2, 2021, the 51st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY FIRST DAY

House Chamber, Olympia, Tuesday, March 2, 2021

The House was called to order at 9:00 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 Andrew Barkis, 2nd Legislative District.

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

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

MESSAGE FROM THE SENATE

March 1, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5036,
SENATE BILL NO. 5054,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5071,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5141,
ENGROSSED SENATE BILL NO. 5164,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5259,

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

SSB 5003 by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Conway, Kuderer, Randall, Saldaña, Stanford, Wilson and C.)

AN ACT Relating to enacting the living donor act; adding a new section to chapter 48.18 RCW; adding a new section to chapter 48.43 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

SSB 5009 by Senate Committee on Law & Justice (originally sponsored by Padden, Pedersen, Brown, McCune and Mullet)

AN ACT Relating to the uniform public expression protection act; adding a new chapter to Title 4 RCW; and repealing RCW 4.24.525.

Referred to Committee on Civil Rights & Judiciary.

E2SSB 5052 by Senate Committee on Ways & Means (originally sponsored by Keiser, Randall, Cleveland, Conway, Das, Frockt, Hasegawa, Kuderer, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Salomon, Wilson and C.)

AN ACT Relating to the creation of health equity zones; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Appropriations.

ESSB 5118 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Hasegawa, Liias, Mullet, Nguyen, Saldaña, Wilson and C.)

AN ACT Relating to supporting successful reentry; amending RCW 9.98.010; reenacting and amending RCW 36.70A.200; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Appropriations.

ESB 5158 by Senators Hawkins, Rolfes, Saldaña, Van De Wege and Wagoner

AN ACT Relating to utility wildland fire prevention advisory committee; and amending RCW 76.04.780.

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

SSB 5228 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Randall, Liias, Das, Lovelett, Nobles, Wilson, C., Darneille, Hasegawa, Keiser, Kuderer, Nguyen and Robinson)

AN ACT Relating to addressing disproportionate health outcomes by building a foundation of equity in

medical training; adding new sections to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5258 by Senate Committee on Ways & Means (originally sponsored by Cleveland, Robinson, Das, Nguyen, Saldaña, Wilson and C.)

AN ACT Relating to consumer directed employers; amending RCW 74.39A.500 and 74.39A.530; and amending 2018 c 278 s 30 (uncodified).

Referred to Committee on Appropriations.

2SSB 5313 by Senate Committee on Ways & Means (originally sponsored by Lias, Randall, Darneille, Das, Dhingra, Frockt, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Pedersen, Robinson, Stanford, Van De Wege, Wilson and C.)

AN ACT Relating to health insurance discrimination; amending RCW 49.60.178, 41.05.017, and 48.43.0128; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5325 by Senate Committee on Health & Long Term Care (originally sponsored by Muzzall, Cleveland, Dozier, Frockt, Keiser, Randall, Rivers and Robinson)

AN ACT Relating to telemedicine; and amending RCW 71.24.335.

Referred to Committee on Health Care & Wellness.

SB 5345 by Senators Brown, Rolfes, Das, Hasegawa, Lovelett, Mullet, Nguyen, Randall and Rivers

AN ACT Relating to establishing a statewide industrial waste coordination program; amending RCW 42.56.270; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Appropriations.

SB 5367 by Senator Conway

AN ACT Relating to directing the department of retirement systems to create rules regarding automatic refunds of retirement contributions in the retirement systems listed in RCW 41.50.030; and adding a new section to chapter 41.50 RCW.

Referred to Committee on Appropriations.

SSB 5376 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C., Wellman, Conway, Das, Hunt, Kuderer, Lias, Nobles and Saldaña)

AN ACT Relating to promoting awareness of the governor's office of the education ombuds; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

2SSB 5383 by Senate Committee on Ways & Means (originally sponsored by Wellman, Short, Hunt, King, Lovelett, Nguyen, Randall, Saldaña, Warnick, Wilson, C., Wilson and L.)

AN ACT Relating to authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions; amending RCW 54.16.330, 53.08.370, and 43.330.538; adding a new section to chapter 42.56 RCW; and creating a new section.

Referred to Committee on Appropriations.

2SSB 5396 by Senate Committee on Ways & Means (originally sponsored by Lovelett, Saldaña, Conway, Das, Kuderer, Nguyen, Wilson and C.)

AN ACT Relating to expanding the sales and use tax exemption for farmworker housing; amending RCW 82.08.02745 and 82.12.02685; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

SB 5431 by Senators Randall, Nobles, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Keiser, Hunt, Honeyford, Holy, Lias, Lovelett, Nguyen, Padden, Robinson, Stanford, Wilson and C.

AN ACT Relating to creating the Rosa Franklin legislative internship program scholarship; amending RCW 43.79A.040; adding new sections to chapter 44.04 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Appropriations.

ESSB 5439 by Senate Committee on Transportation (originally sponsored by Saldaña, Kuderer, Lovelett and Nguyen)

AN ACT Relating to facilitating the coordinated installation of broadband along state highways; amending RCW 43.330.532, 43.330.534, 43.330.538, and 47.52.001; adding a new section to chapter 47.44 RCW; and creating new sections.

Referred to Committee on Transportation.

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

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:

HOUSE BILL NO. 1015
 HOUSE BILL NO. 1033
 HOUSE BILL NO. 1034
 HOUSE BILL NO. 1051
 HOUSE BILL NO. 1067
 HOUSE BILL NO. 1076
 HOUSE BILL NO. 1183
 HOUSE BILL NO. 1197
 HOUSE BILL NO. 1209
 HOUSE BILL NO. 1280
 HOUSE BILL NO. 1284
 HOUSE BILL NO. 1298
 HOUSE BILL NO. 1306
 HOUSE BILL NO. 1310
 HOUSE BILL NO. 1328
 HOUSE BILL NO. 1330
 HOUSE BILL NO. 1354
 HOUSE BILL NO. 1379
 HOUSE BILL NO. 1380
 HOUSE BILL NO. 1410
 HOUSE BILL NO. 1418
 HOUSE BILL NO. 1438
 HOUSE BILL NO. 1453
 HOUSE BILL NO. 1457
 HOUSE BILL NO. 1477
 HOUSE BILL NO. 1484
 HOUSE BILL NO. 1495
 HOUSE BILL NO. 1512
 HOUSE BILL NO. 1521
 HOUSE BILL NO. 1523

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

SECOND READING

HOUSE BILL NO. 1041, by Representatives Springer, Cody, Ortiz-Self, Gregerson, Frame and Jacobsen

Concerning sunshine committee recommendations regarding juveniles.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1041 was substituted for House Bill No. 1041 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1041 was read the second time.

With the consent of the House, amendment (147) was withdrawn.

Representative Springer moved the adoption of amendment (146):

On page 5, beginning on line 28, after "chapter," strike all material through "e-f)" on line 29 and insert "the release, to the juvenile or his or her attorney, of"

On page 5, beginning on line 31, after "offenses" strike all material through "request" on line 35 and insert "shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions"

On page 7, beginning on line 30, after "chapter" strike all material through "guardian" on line 33

On page 7, line 34, after "(1)" insert "(a)"

On page 7, line 36, after "recipients" insert "._"

(b) Personal information of children under this subsection (1) may be disclosed if the agency has received written consent for disclosure from the child's parent or guardian"

On page 8, line 18, after "situation" insert "._"

(c) Personal information of children under this subsection (2) may be disclosed if the agency has received written consent for disclosure from the child's parent or guardian"

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

Amendment (146) was adopted.

The bill was ordered engrossed.

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

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

MOTION

On motion of Representative Griffey, Representative Volz was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1041.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1041, 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, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1115, by Representatives Fey, Wylie, Bronoske and Ramos

Implementing cost recovery of state agency credit card and transaction fees and related costs for driver and vehicle fee transactions.

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 Barkis, Ramos and Robertson 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 House Bill No. 1115.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1115, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; 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, 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, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Leavitt and Sutherland.

Excused: Representative Volz.

HOUSE BILL NO. 1115, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1269, by Representatives Kirby, Barkis, Robertson and Chambers

Addressing motor vehicle transporter license plates.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1269 was substituted for House Bill No. 1269 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1269 was read the second time.

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

Representatives Kirby and Barkis 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 House Bill No. 1269.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1269, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, 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, Taylor, Thai,

Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, McCaslin and Sutherland.

Excused: Representative Volz.

SUBSTITUTE HOUSE BILL NO. 1269, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1322, by Representatives Wylie, Harris, Ortiz-Self and Eslick

Addressing off-road vehicle and snowmobile registration enforcement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1322 was substituted for House Bill No. 1322 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1322 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 Fey, Wylie, Barkis and Orcutt 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 House Bill No. 1322.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1322, 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, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Volz.

SUBSTITUTE HOUSE BILL NO. 1322, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1382, by Representatives Tharinger, Dolan, Fitzgibbon, Wylie, Hackney and Callan

Streamlining the environmental permitting process for salmon recovery projects.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1382 was substituted for House Bill No. 1382 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1382 was read the second time.

Representative Tharinger moved the adoption of amendment (274):

On page 2, line 19, after "sponsored by" strike "an Indian tribe" and insert "a federally recognized tribe"

On page 2, line 21, after "by" strike "an Indian tribe" and insert "a federally recognized tribe"

On page 3, line 1, after "affected" strike "Indian" and insert "federally recognized"

On page 3, line 5, after "affected" strike "Indian" and insert "federally recognized"

On page 3, line 10, after "affected" strike "Indian" and insert "federally recognized"

On page 3, line 14, after "affected" strike "Indian" and insert "federally recognized"

On page 4, line 6, after "affected" strike "Indian" and insert "federally recognized"

On page 4, at the beginning of line 12, strike "Indian" and insert "federally recognized"

On page 4, line 21, after "affected" strike "Indian" and insert "federally recognized"

On page 5, line 14, after "affected" strike "Indian" and insert "federally recognized"

On page 5, line 27, after "affected" strike "Indian" and insert "federally recognized"

On page 6, beginning on line 1, after "(7)" strike all material through "(8)" on line 3

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

Amendment (274) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1382.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1382, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; 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, 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, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives McCaslin and Sutherland.

Excused: Representative Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1382, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1117, by Representatives Lekanoff, Fitzgibbon, Bateman, Simmons, Ramel, Peterson, Goodman, Ryu, Kloba, Chopp, Pollet, Macri and Davis

Promoting salmon recovery through revisions to the state's comprehensive planning framework.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1117 was substituted for House Bill No. 1117 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1117 was read the second time.

With the consent of the House, amendment (212) was withdrawn.

Representative Dye moved the adoption of amendment (211):

On page 19, line 25 of the second substitute, after "plans" insert ", including parameters that affect salmonid health, including, but not limited to, stream temperature, impervious surfaces, and tree canopy cover. As part of its monitoring, and as appropriate, the department of fish and wildlife shall obtain monitoring data from relevant and reliable sources, including, but not limited to, local governments, state agencies, federal agencies, and Indian tribes"

On page 19, line 40, after "time" insert ", including, where appropriate, the efforts made by jurisdictions to address the effect of urban heat islands on salmonid health"

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

Amendment (211) was adopted.

Representative Lekanoff moved the adoption of amendment (207):

On page 25, beginning on line 27 of the second substitute, after "**Sec. 10.**" strike all material through "36.70A.130" on line 36 and insert "The obligation of local governments to comply with the requirements established in: (a) the amendments to RCW 36.70A.020, RCW 36.70A.060, RCW 36.70A.070, and RCW 90.74.020 set forth in this act; (b) the rules related to net ecological gain adopted pursuant to section 5 of this act; and (c) section 8 of this act, is contingent on the provision of state funding to local governments for the specific purpose of complying with these requirements. The obligation of local governments to comply with the requirements established in: (a) the amendments to RCW 36.70A.020, RCW 36.70A.060, RCW 36.70A.070, and RCW

90.74.020 set forth in this act; (b) the rules related to net ecological gain adopted pursuant to section 5 of this act; and (c) section 8 of this act, takes effect two years after the date the legislature appropriates state funding to provide to local governments for the purpose of complying with these requirements"

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

Amendment (207) was adopted.

The bill was ordered engrossed.

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

Representatives Lekanoff and Fitzgibbon spoke in favor of the passage of the bill.

Representatives Abbarno, Dye, Klicker, Walsh and Sutherland spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Leavitt was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1117.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1117, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2.

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

Excused: Representatives Leavitt and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1117, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1437, by Representatives MacEwen and Eslick

Concerning a vessel crewmember license.

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 MacEwen and Shewmake 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 House Bill No. 1437.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1437, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, 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, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Leavitt and Volz.

HOUSE BILL NO. 1437, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1529, by Representatives Barkis, Fey, Slatter and Eslick

Modifying requirements in order to pay for debt service obligations when toll revenues are not sufficient to cover legal obligations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1529 was substituted for House Bill No. 1529 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1529 was read the second time.

Representative Barkis moved the adoption of amendment (216):

On page 1, line 18, after "cover" strike "the debt service payment" and insert "such legal obligations"

On page 2, line 11, after "to," strike "all" and insert "debt service and all other"

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

Amendment (216) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1529.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1529, 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, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1443, by Representatives Morgan, Wicks, Simmons, Berry, J. Johnson, Ramel,

Kloba, Ryu, Peterson, Ormsby, Ortiz-Self, Harris-Talley and Macri

Concerning social equity within the cannabis industry.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1443 was substituted for House Bill No. 1443 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1443 was read the second time.

Representative Sullivan moved the adoption of amendment (192):

On page 4, line 14, after "~~(stakeholders)~~" strike "advocates" and insert "interested parties"

On page 4, line 29, after "and" strike "advocates" and insert "interested parties"

On page 4, line 37, after "agencies, and" strike "advocates" and insert "interested parties"

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

Amendment (192) was adopted.

Representative Chambers moved the adoption of amendment (215):

On page 8, at the beginning of line 11, strike "~~(and)~~" and insert "and"

On page 8, beginning on line 17, after "canceled" strike all material through "types" on line 33

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

Representative Kloba spoke against the adoption of the amendment.

Amendment (215) was not adopted.

Representative Corry moved the adoption of amendment (169):

On page 9, beginning on line 2, strike all of section 4

Correct the title.

Representatives Corry and Kloba spoke in favor of the adoption of the amendment.

Amendment (169) was adopted.

The bill was ordered engrossed.

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

Representatives Morgan and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1443.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1443, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

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

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

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1355, by Representatives Dent, Chandler, Boehnke, Lovick, Dye, Fitzgibbon, Klippert, Jacobsen and Schmick

Concerning noxious weeds.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1355 was substituted for House Bill No. 1355 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1355 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 Dent and Chapman 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 House Bill No. 1355.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1355, 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, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Volz.

SUBSTITUTE HOUSE BILL NO. 1355, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1140, by Representatives J. Johnson, Frame, Entenman, Sells, Taylor, Santos, Stonier, Ormsby, Lekanoff, Davis, Hackney, Macri, Callan, Chopp, Pollet, Ryu, Goodman, Berg, Ramos, Bergquist, Gregerson, Wicks, Peterson, Thai, Dolan, Bateman, Simmons, Fitzgibbon and Valdez

Concerning juvenile access to attorneys when contacted by law enforcement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1140 was substituted for House Bill No. 1140 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1140 was read the second time.

Representative Klippert moved the adoption of amendment (126):

On page 1, line 14, after "warning;" strike "or"

On page 1, line 16, after "activity" insert "; or

"(c) Requests that the juvenile provide consent to an evidentiary search of the juvenile or the juvenile's property, dwellings, or vehicles under the juvenile's control"

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

Amendment (126) was adopted.

Representative Klippert moved the adoption of amendment (123):

On page 1, line 15, after "(b)" strike "Briefly detains" and insert "Detains"

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

Amendment (123) was adopted.

Representative Klippert moved the adoption of amendment (124):

On page 2, line 1, after "proceeding," strike all material through "RCW 13.40.140" on line 8 and insert "unless:

(a) The juvenile has been provided with access to an attorney for consultation; and the juvenile provides an express waiver knowingly, intelligently, and voluntarily made by the juvenile after the juvenile has been fully informed of the rights being waived as required under RCW 13.40.140;

(b) The statement is for impeachment purposes; or

(c) The statement was made spontaneously"

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

Amendment (124) was adopted.

Representative Orwall moved the adoption of amendment (115):

On page 2, beginning on line 11, after "(a)" strike all material through "threat." on line 18 and insert "The law enforcement officer believes the juvenile is a victim of trafficking as

defined in RCW 9A.40.100; however, any information obtained from the juvenile by law enforcement pursuant to this subsection cannot be used in any prosecution of that juvenile; or

(b)(i) The law enforcement officer believes that the information sought is necessary to protect an individual's life from an imminent threat;

(ii) A delay to allow legal consultation would impede the protection of an individual's life from an imminent threat; and

(iii) Questioning by the law enforcement officer is limited to matters reasonably expected to obtain information necessary to protect an individual's life from an imminent threat."

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

Amendment (115) was adopted.

Representative Klippert moved the adoption of amendment (125):

On page 4, at the beginning of line 19, strike "the juvenile's" and insert "their"

Representative Klippert withdrew amendment (125).

The bill was ordered engrossed.

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

Representative J. Johnson spoke in favor of the passage of the bill.

Representatives Walsh 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 House Bill No. 1140.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1140, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

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, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1219, by Representatives Frame, J. Johnson, Ramos, Bateman, Peterson, Fitzgibbon, Davis, Ryu, Fey, Senn, Lovick, Chase, Orwall, Taylor, Santos, Thai, Ortiz-Self, Ormsby, Simmons, Slatter, Berg, Chopp, Bergquist, Callan, Valdez, Macri, Goodman, Tharinger, Harris-Talley, Ybarra and Hackney

Concerning the appointment of counsel for youth in dependency court proceedings.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1219 was substituted for House Bill No. 1219 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1219 was read the second time.

Representative Walsh moved the adoption of amendment (280):

On page 10, after line 25, insert the following:

"(h) An attorney representing a child in a dependency proceeding must prioritize the child's well-being over the child's wishes."

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (280) was not adopted.

Representative Abbarno moved the adoption of amendment (279):

On page 10, line 29, after "child" insert "age 12 or older"

On page 10, beginning on line 30, after "proceeding" strike all material through "hearing" on page 11, line 9 and insert ". Appointment must be made at the same time that counsel is appointed for the child's parent, guardian, or legal custodian. If no appointment of counsel is made for the child's parent, guardian, or legal custodian, then appointment must be made at or before the commencement of the shelter care hearing"

On page 13, line 32, after "of" strike "eight" and insert "12"

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

Representative Goodman spoke against the adoption of the amendment.

Amendment (279) 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 Frame, Corry and Dent spoke in favor of the passage of the bill.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1219.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1219, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, 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, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Chambers, Dufault, Gilday, Goehner, Graham, Klippert, Kraft, McCaslin, Orcutt, Walsh and Young.

Excused: Representative Volz.

SECOND SUBSTITUTE HOUSE BILL NO. 1219, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1386, by Representatives Wicks, Dolan, Lovick, Sells, Berg and Hackney

Modifying the property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas.

The bill was read the second time.

Representative Stokesbary moved the adoption of striking amendment (288):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.25.030 and 2015 1st sp.s. c 9 s 3 are each amended to read as follows:

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

(1) "City" means any city ~~((that: (a) Has a population of at least eighteen thousand; and (b) is north or east of the largest city in the county in which the city is located and such county has a population of at least seven hundred thousand, but less than eight hundred thousand))~~ or town.

(2) "Family living wage job" means a job that offers health care benefits with a wage that is sufficient for raising a family. A family living wage job must have an average wage of ~~((eighteen dollars))~~ \$23 an hour or more, working ~~((two thousand eighty))~~ 2,080 hours per year on the subject site, as adjusted annually for inflation by the consumer price index. The family living wage may be increased by the local authority based on regional factors and wage conditions.

(3) "Governing authority" means the local legislative authority of a city or county having jurisdiction over the property for which an exemption may be applied for under this chapter.

(4) "Growth management act" means chapter 36.70A RCW.

(5) "Industrial/manufacturing facilities" means building improvements that are ~~((ten thousand))~~ 10,000 square feet or larger, representing a minimum improvement valuation of ~~((eight hundred thousand dollars))~~ \$800,000 for uses categorized as "division D: manufacturing" or "division E: transportation (major groups 40-42, 45, or 47-48)" by the United States department of labor in the occupation safety and health administration's standard industrial classification manual, provided, a city may limit the tax exemption to manufacturing uses.

(6) "Lands zoned for industrial and manufacturing uses" means lands in a city zoned as of December 31, 2014, for an industrial or manufacturing use consistent with the city's comprehensive plan where the lands are designated for industry.

(7) "Owner" means the property owner of record.

(8) "Targeted area" means an area of undeveloped lands zoned for industrial and manufacturing uses in the city that is located within or contiguous to an innovation partnership zone, foreign trade zone, or EB-5 regional center, and designated for possible exemption under the provisions of this chapter.

(9) "Undeveloped or underutilized" means that there are no existing building improvements on the ~~((property or))~~ portions of the property targeted for new or expanded industrial or manufacturing uses.

Sec. 2. RCW 84.25.040 and 2015 1st sp.s. c 9 s 4 are each amended to read as follows:

(1) (a) The value of new construction of industrial/manufacturing facilities qualifying under this chapter is exempt from property taxation under this title, as provided in this section. The value of new construction of industrial/manufacturing facilities is exempt from taxation for properties for which an application for a certificate of tax exemption is submitted under this chapter before December 31, ~~((2022))~~ 2030. The value is exempt under this section for ~~((ten))~~ 10 successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate.

(b) The exemption provided in this section does not include the value of

land or nonindustrial/manufacturing-related improvements not qualifying under this chapter.

(2) The exemption provided in this section is in addition to any other exemptions, deferrals, credits, grants, or other tax incentives provided by law.

(3) This chapter does not apply to state levies or increases in assessed valuation made by the assessor on nonqualifying portions of buildings and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

(4) This exemption does not apply to any county property taxes unless the governing body of the county adopts a resolution and notifies the governing authority of its intent to allow the property to be exempted from county property taxes.

(5) At the conclusion of the exemption period, the new industrial/manufacturing facilities cost must be considered as new construction for the purposes of chapter 84.55 RCW.

Sec. 3. RCW 84.25.050 and 2015 1st sp.s. c 9 s 5 are each amended to read as follows:

An owner of property making application under this chapter must meet the following requirements:

(1) The new construction of industrial/manufacturing facilities must be located on land zoned for industrial and manufacturing uses, undeveloped or underutilized, and as provided in RCW 84.25.060, designated by the city as a targeted area;

(2) The new construction of industrial/manufacturing facilities must meet all construction and development regulations of the city;

(3) The new construction of industrial/manufacturing facilities must be completed within three years from the date of approval of the application; and

(4) The applicant must enter into a contract with the city approved by the city governing authority (~~(, or an administrative official or commission authorized by the governing authority,)~~) under which the applicant has agreed to

the implementation of the development on terms and conditions satisfactory to the governing authority.

Sec. 4. RCW 84.25.080 and 2015 1st sp.s. c 9 s 8 are each amended to read as follows:

(1) The (duly authorized administrative official or committee of the) city governing authority may approve the application if it finds that:

((1)) (a) A minimum of ((twenty-five)) 25 new family living wage jobs will be created on the subject site as a result of new construction of ((manufacturing/industrial industrial/manufacturing)) industrial/manufacturing facilities within one year of building occupancy;

((2)) (b) The proposed project is, or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved; and

((3)) (c) The criteria of this chapter have been satisfied.

(2) Priority must be given to applications that meet the following labor specifications during the new construction and ongoing business of industrial/manufacturing facilities:

(a) Compensate workers at prevailing wage rates as determined by the department of labor and industries;

(b) Procure from, and contract with, women-owned, minority-owned, or veteran-owned businesses;

(c) Procure from, and contract with, entities that have a history of complying with federal and state wage and hour laws and regulations;

(d) Include apprenticeship utilization from state-registered apprenticeship programs;

(e) Provide for preferred entry for workers living in the area where the project is being constructed; and

(f) Maintain certain labor standards for workers employed primarily at the facility after construction, including production, maintenance, and operational employees.

Sec. 5. RCW 84.25.090 and 2015 1st sp.s. c 9 s 9 are each amended to read as follows:

(1) The city governing authority (~~or its authorized representative~~) must approve or deny an application filed under this chapter within ninety days after receipt of the application.

(2) If the application is approved, the city must issue the owner of the property a conditional certificate of acceptance of tax exemption. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the property has complied with the required criteria of this chapter.

(3) If the application is denied by the city, the city must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ten days of the denial.

(4) Upon denial by the city, an applicant may appeal the denial to the city's governing authority within thirty days after receipt of the denial. The appeal before the city's governing authority must be based upon the record made before the city with the burden of proof on the applicant to show that there was no substantial evidence to support the city's decision. The decision of the city in denying or approving the application is final.

Sec. 6. RCW 84.25.130 and 2015 1st sp.s. c 9 s 13 are each amended to read as follows:

(1) If the value of improvements have been exempted under this chapter, the improvements continue to be exempted for the applicable period under this chapter so long as they are not converted to another use and continue to satisfy all applicable conditions including, but not limited to, zoning, land use, building, and family-wage job creation.

(2) If an owner voluntarily opts to discontinue compliance with the requirements of this chapter, the owner must notify the assessor within (~~sixty~~) 60 days of the change in use or intended discontinuance.

(3) If, after a certificate of tax exemption has been filed with the county assessor, the city discovers that a portion of the property is changed or will be changed to disqualify the owner for exemption eligibility under this chapter, the tax exemption must be canceled and the following occurs:

(a) Additional real property tax must be imposed on the value of the nonqualifying improvements in the amount that would be imposed if an exemption had not been available under this chapter, plus a penalty equal to (~~twenty~~) 20 percent of the additional value. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a nonqualifying use;

(b) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty becomes a lien on the property and attaches at the time the property or portion of the property is removed from the qualifying use under this chapter or the amenities no longer meet the applicable requirements for exemption under this chapter. A lien under this section has priority to, and must be fully paid and satisfied before, a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent property taxes.

(4) If, after a certificate of tax exemption has been filed with the county assessor, the city discovers that the facility maintains fewer than 25 family living wage jobs, the owner is considered ineligible for the exemption under this chapter, and the following must occur:

(a) The tax exemption must be canceled; and

(b) Additional real property tax must be imposed in the amount that would be imposed if an exemption had not been available under this chapter, dated back to the date that the facility last

maintained a minimum of 25 family living wage jobs.

(5) Upon a determination that a tax exemption is to be terminated for a reason stated in this section, the city's governing authority must notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to terminate the exemption. The owner may appeal the determination to the city, within ~~((thirty))~~ 30 days by filing a notice of appeal with the city, which notice must specify the factual and legal basis on which the determination of termination is alleged to be erroneous. At an appeal hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer must either affirm, modify, or repeal the decision of termination of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court as provided in RCW 34.05.510 through 34.05.598.

~~((+5+))~~ (6) Upon determination by the city to terminate an exemption, the county officials having possession of the assessment and tax rolls must correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor must make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The value of the new industrial/manufacturing facilities added to the rolls is considered new construction for the purposes of chapter 84.40 RCW. The owner may appeal the valuation to the county board of equalization as provided in chapter 84.40 RCW. If there has been a failure to comply with this chapter, the property must be listed as an omitted assessment for assessment years beginning January 1st of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered."

Correct the title.

Representatives Stokesbary and Berg spoke in favor of the adoption of the striking amendment.

Striking amendment (288) was adopted.

The bill was ordered engrossed.

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

Representatives Wicks 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 House Bill No. 1386.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1386, 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, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Volz.

ENGROSSED HOUSE BILL NO. 1386, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1186, by Representatives Goodman, Senn, Sullivan, Leavitt, Gregerson, Fitzgibbon, Ortiz-Self, Duerr, Tharinger, Macri, Davis, Pollet, Callan, Harris-Talley and Hackney

Concerning juvenile rehabilitation.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1186 was substituted for House Bill No. 1186 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1186 was read the second time.

With the consent of the House, amendment (233) was withdrawn.

Representative Klippert moved the adoption of amendment (275):

On page 2, beginning on line 16, after "After" strike all material through "served" on line 17 and insert "earning eligibility as provided under RCW 13.40.205(f)"

On page 12, beginning on line 34, after "must" strike all material through "confinement" on line 35 and insert "earn eligibility as provided under RCW 13.40.205(f)"

On page 13, after line 21, insert the following:

"(f) A person may earn the ability to serve the remainder of the person's term of confinement in community transition services after serving at least 60 percent of their minimum term of confinement and meeting one of the following conditions:

(i) Receiving a high school diploma or equivalent while residing in a juvenile institution;

(ii) Completing a vocational or apprenticeship program while residing in a juvenile institution; or

(iii) Securing employment that will begin upon entry into community transition services."

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

Representative Callan spoke against the adoption of the amendment.

Amendment (275) was not adopted.

Representative Goodman moved the adoption of amendment (234):

On page 2, line 17, after "served" insert ", and no less than 15 weeks of total confinement served including time spent in detention prior to sentencing or the entry of a dispositional order"

On page 2, line 23, after "community." insert "The department's determination described under this subsection must include consideration of the person's behavior while in confinement and any disciplinary considerations."

On page 3, line 14, after "(b)" insert "Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections,

or who are under the supervision of the department of corrections;

(c)"

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

On page 12, line 32, after "programming." insert "The department's determination described under this subsection must include consideration of the person's behavior while in confinement and any disciplinary considerations."

On page 12, line 35, after "confinement" insert "and no less than 15 weeks of total confinement including time spent in detention prior to sentencing or the entry of a dispositional order"

On page 13, line 20, after "(ii)" insert "Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections, or who are under the supervision of the department of corrections;

(iii)"

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

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

There being no objection, the House deferred action on SECOND SUBSTITUTE HOUSE BILL NO. 1186, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1214, by Representatives Senn, J. Johnson, Ramos, Dolan, Lovick, Santos, Ortiz-Self, Slatter, Berg, Hackney, Callan, Valdez, Macri and Frame

Providing K-12 public school safety and security services by classified staff or contractors.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1214 was substituted for House Bill No. 1214 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1214 was read the second time.

Representative Dolan moved the adoption of amendment (113):

On page 2, beginning on line 5, after "training" strike "and offer a certificate of completion of all the training requirements"

On page 3, beginning on line 8, after "staff" strike "were issued a certificate of completion" and insert "have training series documentation provided"

On page 3, beginning on line 29, after "may" strike "apply for a certificate of completion" and insert "request training series documentation from an educational service district"

On page 5, beginning on line 14, after "must" strike all material through "completion" at the beginning of line 17 and insert "provide to safety and security staff, upon request, documentation that the safety and security staff training series described in section 3(2) of this act has been completed. Before providing this training series documentation"

On page 8, beginning on line 17, after "staff" strike "were issued a certificate of completion" and insert "have training series documentation provided"

On page 8, line 20, after "described" strike "under" and insert "in"

Representatives Dolan and Rude spoke in favor of the adoption of the amendment.

Amendment (113) was adopted.

Representative Klippert moved the adoption of amendment (298):

On page 2, line 24, after "race" strike ", ethnicity, and other demographics"

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

Representative Santos spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (298) and the amendment was not adopted by the following vote: Yeas: 38; Nays: 59; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen,

Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Sutherland, Vick, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Jinkins, Johnson, J., 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, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Excused: Representative Volz

Representative Klippert moved the adoption of amendment (299):

On page 2, on line 27, after "1973;" insert "and"

On page 2, beginning on line 29, after "staff" strike all material through "instruction" on line 31

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

Representative Dolan spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (299) and the amendment was not adopted by the following vote: Yeas: 40; Nays: 57; Absent: 0; Excused: 1

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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., 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, and Wylie

Excused: Representative Volz

Representative Klippert moved the adoption of amendment (301):

On page 6, beginning on line 33, after "(i)" strike all material through

"(iii)))" on line 38 and insert "((Prohibits a school resource officer from becoming involved in formal school discipline situations that are the responsibility of school administrators;

(ii))) Acknowledges the role of a school resource officer as a teacher, informal counselor, and law enforcement officer; and

((iii))) (ii)"

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

Representatives Santos and Stonier spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (301) and the amendment was not adopted by the following vote: Yeas: 40; Nays: 57; Absent: 0; Excused: 1

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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., 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, and Wylie

Excused: Representative Volz

Representative Klippert moved the adoption of amendment (300):

On page 7, line 40, after "to" insert "build positive relationships with students and"

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

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (300) and the amendment was adopted by the following vote: Yeas: 64; Nays: 33; Absent: 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Berry, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chase, Corry, Davis, Dent, Dolan, Dufault, Dye, Eslick, Fitzgibbon, Gilday, Goehner, Graham, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, Jinkins, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Springer, Steele, Stokesbary, Sullivan, Sutherland, Tharinger, Vick, Walsh, Wicks, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Callan, Chapman, Chopp, Cody, Duerr, Entenman, Fey, Frame, Goodman, Gregerson, Harris-Talley, Johnson, J., Kloba, Macri, Morgan, Ormsby, Peterson, Pollet, Ramel, Ramos, Riccelli, Shewmake, Simmons, Slatter, Stonier, Taylor, Thai, Valdez, Walen, and Wylie

Excused: Representative Volz

The bill was ordered engrossed.

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

Representatives Senn, Ybarra and Dolan 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 House Bill No. 1214.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1214, and the bill passed the House by the following vote: Yeas, 67; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, 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, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Stokesbary, Sutherland, Vick, Walsh and Young.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., March 3, 2021, the 52nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY SECOND DAY

House Chamber, Olympia, Wednesday, March 3, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

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

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

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

MESSAGE FROM THE SENATE

March 2, 2021

Mme. SPEAKER:

The Senate has passed:

- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5022,
- SECOND SUBSTITUTE SENATE BILL NO. 5045,
- SENATE BILL NO. 5063,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5097,
- SENATE BILL NO. 5133,
- SECOND SUBSTITUTE SENATE BILL NO. 5241,
- SUBSTITUTE SENATE BILL NO. 5254,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5287,
- SUBSTITUTE SENATE BILL NO. 5342,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5377,
- SENATE BILL NO. 5385,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5399,
- SUBSTITUTE SENATE BILL NO. 5401,
- SUBSTITUTE SENATE BILL NO. 5406,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5408,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5441,
- SENATE JOINT MEMORIAL NO. 8004,

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

E2SSB 5036 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Carlyle, Darneille, Das, Hasegawa, Mullet, Nguyen, Pedersen, Stanford, Wellman, Wilson and C.)

AN ACT Relating to the release of incarcerated individuals from total confinement prior to the expiration of a sentence; amending RCW 9.94A.501, 9.94A.565, 9.94A.633, 9.94A.728, and 9.94A.880; reenacting and amending RCW 9.94A.885; adding a new section to chapter 9.94A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

SB 5054 by Senators Padden, Frockt, Conway, McCune and Short

AN ACT Relating to impaired driving; amending RCW 46.61.502, 46.61.5055, 46.61.5055, 46.61.504, and 9.94A.525; prescribing penalties; providing and effective date; and providing an expiration date.

Referred to Committee on Appropriations.

E2SSB 5071 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Darneille, Das, Hunt, Kuderer, Nguyen, Wilson and C.)

AN ACT Relating to creating transition teams to assist specified persons under civil commitment; amending RCW 10.77.150, 71.05.320, 71.05.320, 10.77.060, 70.02.230, 70.02.240, 71.24.035, 10.77.010, 71.05.740, 71.24.035, and 71.24.045; amending 2020 c 302 s 110 (uncodified); reenacting and amending RCW 71.05.020, 71.05.020, 71.05.020, and 71.05.020; adding a new section to chapter 10.77 RCW; adding a new section to chapter 71.24 RCW; creating new sections; providing effective dates; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Appropriations.

E2SSB 5141 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Lovelett, Carlyle, Das, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Nobles, Pedersen, Rolfes, Stanford, Wilson and C.)

AN ACT Relating to reducing environmental and health disparities and improving the health of all Washington state residents by implementing the

recommendations of the environmental justice task force; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 90.71 RCW; and adding a new chapter to Title 70A RCW.

Referred to Committee on Appropriations.

ESB 5164 by Senators Darneille, Das, Kuderer, Hasegawa, Liias, Saldaña, Salomon, Wilson and C.

AN ACT Relating to resentencing of individuals sentenced as a persistent offender due to a robbery in the second degree conviction; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

E2SSB 5259 by Senate Committee on Ways & Means (originally sponsored by Nobles, Carlyle, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Pedersen, Randall, Robinson, Saldaña, Stanford, Wellman, Wilson and C.)

AN ACT Relating to requiring reporting, collecting, and publishing information regarding law enforcement interactions with the communities they serve; adding a new chapter to Title 10 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

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

The House resumed consideration of SECOND SUBSTITUTE HOUSE BILL NO. 1186 on second reading.

Representative Goodman moved the adoption of amendment (234):

On page 2, line 17, after "served" insert ", and no less than 15 weeks of total confinement served including time spent in detention prior to sentencing or the entry of a dispositional order"

On page 2, line 23, after "community." insert "The department's determination described under this subsection must include consideration of the person's

behavior while in confinement and any disciplinary considerations."

On page 3, line 14, after "(b)" insert "Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections, or who are under the supervision of the department of corrections;

(c) "

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

On page 12, line 32, after "programming." insert "The department's determination described under this subsection must include consideration of the person's behavior while in confinement and any disciplinary considerations."

On page 12, line 35, after "confinement" insert "and no less than 15 weeks of total confinement including time spent in detention prior to sentencing or the entry of a dispositional order"

On page 13, line 20, after "(ii)" insert "Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections, or who are under the supervision of the department of corrections;

(iii) "

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

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

Amendment (234) was adopted.

Representative Graham moved the adoption of amendment (285):

On page 3, line 14, after "(b)" insert "Persons who were adjudicated or convicted of the crime of murder in the first or second degree;

(c) Persons who meet the definition of a "persistent offender" as defined under RCW 9.94A.030;

(d) "

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

On page 13, line 20, after "(ii)" insert "Persons who were adjudicated or convicted of the crime of murder in the first or second degree;

(iii) Persons who meet the definition of a "persistent offender" as defined under RCW 9.94A.030;

(iv) "

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

Representatives Graham, Senn and Walsh spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

MOTION

On motion of Representative Griffey, Representative Volz was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (285) and the amendment was adopted by the following vote: Yeas: 59; Nays: 38; Absent: 0; Excused: 1

Voting yea: Representatives Barkis, Berg, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Cody, Corry, Dent, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Jinkins, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Orwall, Paul, Robertson, Rude, Rule, Schmick, Sells, Senn, Shewmake, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Vick, Walsh, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representatives Abbarno, Bateman, Bergquist, Berry, Callan, Chopp, Davis, Dolan, Entenman, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Johnson, J., Kirby, Kloba, Macri, Morgan, Ormsby, Ortiz-Self, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Simmons, Slatter, Springer, Taylor, Thai, Tharinger, Valdez, Walen, and Wicks

Excused: Representative Volz

Representative Klippert moved the adoption of amendment (282):

On page 3, line 19, after "confinement" insert ", not to exceed 12 months,"

On page 5, line 26, after "confinement" insert ", not to exceed 12 months,"

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

Representative Senn spoke against the adoption of the amendment.

Amendment (282) was not adopted.

Representative Harris-Talley moved the adoption of amendment (278):

On page 3, line 25, after "location;" strike "and"

On page 3, line 29, after "reentry" insert "; and"

(d) The department of children, youth, and families prioritizes the delivery of available programming from individuals who share characteristics with the individual being served related to: Race; ethnicity; sexual identity; and gender identity"

On page 19, after line 35, insert the following:

"NEW SECTION. Sec. 10. (1) The Washington partnership council on juvenile justice shall convene stakeholders to develop recommendations regarding improving outcomes for individuals exiting a juvenile detention facility or institution, with a focus on:

(a) Increasing community involvement before and after the individual's exit from a juvenile detention facility or institution;

(b) Geographic barriers or inequities in re-entry related services; and

(c) Re-entry related service gaps that should be addressed.

(2) The Washington partnership council on juvenile justice shall include, at a minimum, the following stakeholders in the requirements included in this section:

(a) Two individuals who were confined in a juvenile detention facility or institution;

(b) A family member of an individual who was confined in a juvenile detention facility or institution;

(c) A representative of the department of children, youth, and families;

(d) A representative of the Washington association of prosecuting attorneys;

(e) A representative of the Washington association of sheriffs and police chiefs;

(f) A representative of a statewide organization representing criminal defense attorneys;

(g) A representative of a statewide organization representing public defenders;

(h) A representative of a statewide organization providing legal services to youth;

(i) A representative from the office of the superintendent of public instruction;

(j) A representative from the state board for community and technical colleges;

(k) A representative from the Washington student achievement council; and

(l) Two representatives from service providers that assist individuals when exiting from a juvenile detention facility or institution by providing mentoring or other community involvement opportunities to that individual.

(3)(a) By November 1, 2021, and in compliance with RCW 43.01.036, the Washington partnership council on juvenile justice shall submit an initial set of recommendations to the appropriate committees of the legislature and the governor related to improving outcomes for individuals exiting a juvenile detention facility or institution as required under this section.

(b) By September 1, 2022, the Washington partnership council on juvenile justice shall submit a final report to the appropriate committees of the legislature and the governor that describes the recommendations related to improving outcomes for individuals exiting a juvenile detention facility or institution as required under this section.

(4) The following definitions apply to this section:

(a) "Detention facility" means:

(i) Any detention facility as defined under RCW 13.40.020; and

(ii) Any juvenile correctional facility under alternative administration operated under a

consortium of counties under RCW 13.04.035.

(b) "Institution" has the same meaning as in RCW 13.40.020.

(5) This section expires on January 1, 2023."

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

Representative Harris-Talley spoke in favor of the adoption of the amendment.

Representative Dent spoke against the adoption of the amendment.

Amendment (278) was adopted.

The bill was ordered engrossed.

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

Representatives Goodman, Harris-Talley, Sutherland, Graham and Senn spoke in favor of the passage of the bill.

Representatives Dent, Klippert and Young 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 Second Substitute House Bill No. 1186.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1186, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chase, 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, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, 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, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1186, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1301, by Representatives Fitzgibbon, Hackney, Valdez and Macri

Providing expanded options for fare enforcement by regional transit authorities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1301 was substituted for House Bill No. 1301 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1301 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 Fitzgibbon and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1301.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1301, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, 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, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representative Young.

Excused: Representative Volz.

SUBSTITUTE HOUSE BILL NO. 1301, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1446, by Representative Fey

Prohibiting a utility from being assessed a penalty for not meeting its biennial acquisition target for cost-effective conservation in special circumstances outside the utility's control.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1446 was substituted for House Bill No. 1446 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1446 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 Fey, Dye and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1446.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1446, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, 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, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Berry, Frame, Harris-Talley and Macri.

Excused: Representative Volz.

SUBSTITUTE HOUSE BILL NO. 1446, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1207, by Representatives Ramel, Boehnke, Lekanoff, Lovick, Ortiz-Self, Eslick, Bergquist and Leavitt

Improving access to department of licensing issued documents by extending the issuance period of driver licenses and identicards to eight years, allowing online issuance and renewal of instruction permits, and

expanding online renewal of driver licenses and identicards.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1207 was substituted for House Bill No. 1207 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1207 was read the second time.

Representative Sutherland moved the adoption of amendment (283):

On page 2, line 23, after "hundred" strike "thirty-six" and insert "fifteen"

On page 5, line 11, after "~~((fifty-four))~~" strike "seventy-two" and insert "sixty-five"

On page 9, at the beginning of line 14, strike "seventy-two" and insert "sixty-five"

On page 11, line 25, after "~~((forty-five))~~" strike "seventy-two" and insert "sixty-five"

On page 14, line 2, after "~~((twenty-four))~~" strike "thirty-two" and insert "twenty-five"

On page 15, line 1, after "~~((thirty))~~" strike "forty" and insert "thirty-five"

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

Representative Fey spoke against the adoption of the amendment.

Amendment (283) 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 Ramel and Barkis spoke in favor of the passage of the bill.

Representative Robertson spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1207.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1207, and the bill passed the

House by the following vote: Yeas, 81; Nays, 16; Absent, 0; Excused, 1.

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

Voting nay: Representatives Caldier, Chandler, Chase, Corry, Dufault, Dye, Graham, Kraft, McCaslin, McEntire, Robertson, Schmick, Sutherland, Vick, Walsh and Young.

Excused: Representative Volz.

SUBSTITUTE HOUSE BILL NO. 1207, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1453, by Representatives Bergquist, Volz, Valdez, Lekanoff, Shewmake, Sutherland and Riccelli

Concerning voters' pamphlets.

The bill was read the second time.

Representative Walsh moved the adoption of amendment (105):

On page 6, line 7, beginning with "(a)" strike all material through "herself;"

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

On page 6, beginning on line 12, beginning with "(a)" strike all material through "opponent;" on line 13

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

On page 6, beginning on line 19, beginning with "(a)" strike all material through "opponents;" on line 20

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

On page 10, beginning on line 34, beginning with "(A)" strike all material through "opponent;" on line 35

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

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

Amendment (105) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1453.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1453, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, 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, McEntire, Morgan, Mosbrucker, 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, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Corry, Kraft, McCaslin, Orcutt and Young.

Excused: Representative Volz.

ENGROSSED HOUSE BILL NO. 1453, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1521, by Representatives Entenman, Sullivan, Callan, Jacobsen, Taylor, Stokesbary, Gregerson and Ormsby

Supporting warehousing and manufacturing job centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1521 was substituted for House Bill No. 1521 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1521 was read the second time.

Representative Entenman moved the adoption of amendment (335):

On page 2, after line 24, insert the following:

"NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021."

Correct the title.

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

Amendment (335) was adopted.

The bill was ordered engrossed.

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

Representatives Entenman, Orcutt and Sullivan 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 House Bill No. 1521.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1521, 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, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1521, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1113, by Representatives Ortiz-Self, Kloba and Pollet

Concerning school attendance.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1113 was substituted for House Bill No. 1113 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1113 was read the second time.

Representative Harris-Talley moved the adoption of amendment (339):

On page 1, after line 6, insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that student absences from school can be an indicator that the academic and social-emotional needs of the students are not being met in the public school or classroom or through the school culture or climate. Student absences can also signal to educators that families may need additional information and assistance in supporting student learning within the home.

(2) The legislature finds that as research and public awareness grows about the impact of school climate and culture on the academic and social-emotional experiences of students, the systems of public education must shift away from enforcing punitive, compliance-focused policies and toward enabling constructive, student-centered practices. The legislature further finds that a student-centered system of public education serves the individual needs of students with strong family engagement and through integrated supports provided by the state, public schools, and the greater community.

(3) Therefore, the legislature intends to refocus the attendance policies and practices of the public education system to emphasize individualized student and family supports that are culturally

responsive, evidence-informed, and show promising practice for integrating multiple systems of support to effectively improve consistent student attendance at school and family engagement in student learning.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.225 RCW to read as follows:

The office of the superintendent of public instruction shall develop and publish best practice guidance to eliminate or reduce student absences and to otherwise implement the requirements of this chapter. The guidance must focus on student and family engagement, be based in restorative justice practices, and emphasize integration of student and family support systems. The guidance must be developed in consultation with the educational opportunity gap oversight and accountability committee and updated periodically."

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

On page 2, line 31, after "child's" strike "fifth" and insert "seventh"

On page 2, line 31, after "absence" insert "within any month"

On page 3, after line 2, insert the following:

"**Sec. 3.** RCW 28A.225.030 and 2017 c 291 s 6 are each amended to read as follows:

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, (~~(not later than the)~~) after the child's seventh unexcused absence ((by a child)) within any month during the current school year (~~(or)~~) and not later than the ((tenth)) 15th unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by

the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document provided to the parent, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the (~~(fifth)~~) seventh unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with (~~(five)~~) seven or more unexcused absences in any month during the current school year or upon the (~~(tenth)~~) 15th unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

Sec. 4. RCW 28A.225.151 and 2017 c 291 s 7 are each amended to read as follows:

(1) As required under subsection (2) of this section, the office of superintendent of public instruction shall collect and school districts shall submit student-level truancy data in

order to allow a better understanding of actions taken under RCW 28A.225.030. The office shall prepare an annual report to the legislature by December 15th of each year.

(2) The reports under subsection (1) of this section shall include, disaggregated by student group:

(a) The number of enrolled students and the number of unexcused absences;

(b) The number of enrolled students with (~~(ten)~~) 15 or more unexcused absences in a school year or (~~(five)~~) seven or more unexcused absences in a month during a school year;

(c) A description of any programs or schools developed to serve students who have had (~~(five)~~) seven or more unexcused absences in a month or (~~(ten)~~) 15 in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090;

(d) The number of petitions filed by a school district with the juvenile court and, beginning in the 2018-19 school year, whether the petition results in:

(i) Referral to a community truancy board;

(ii) Other coordinated means of intervention;

(iii) A hearing in the juvenile court; or

(iv) Other less restrictive disposition (e.g., change of placement, home school, alternative learning experience, residential treatment); and

(e) Each instance of imposition of detention for failure to comply with a court order under RCW 28A.225.090, with a statement of the reasons for each instance of detention.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data to provide a clearer

understanding of actions taken under RCW 28A.225.030."

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

On page 3, line 9, after "child's" strike "fifth" and insert "seventh"

On page 3, line 28, after "than the" strike "fifth" and insert "~~((fifth))~~ seventh"

On page 4, line 2, after "with" strike "five" and insert "~~((five))~~ seven"

On page 4, line 24, after "year or" strike "five" and insert "~~((five))~~ seven"

On page 4, line 27, after "had" strike "five" and insert "~~((five))~~ seven"

On page 5, line 36, after "before the" strike "fifth" and insert "~~((fifth))~~ seventh"

Beginning on page 14, line 27, strike all of section 11

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

On page 19, beginning on line 11, strike all of sections 13, 14, and 15 and insert the following:

"NEW SECTION. Sec. 13. Sections 1 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 14. Sections 5 and 6 of this act expire August 1, 2021.

NEW SECTION. Sec. 15. Sections 7 through 15 of this act take effect August 1, 2021."

Correct the title.

Representative Harris-Talley spoke in favor of the adoption of the amendment.

Representative Walsh spoke against the adoption of the amendment.

Amendment (339) was adopted.

Representative Walsh moved the adoption of amendment (277):

On page 3, line 32, after "community" strike "~~((truancy))~~ engagement" and insert "truancy"

On page 3, line 33, after "community" strike "~~((truancy))~~ engagement" and insert "truancy"

On page 4, line 37, after "community" strike "~~((truancy))~~ engagement" and insert "truancy"

On page 5, beginning on line 13, strike all of sections 5 through 14

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

On page 19, line 17, after "**15.**" strike "Except for section 12 of this act, this" and insert "This"

Correct the title.

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

Representative Santos spoke against the adoption of the amendment.

Amendment (277) was not adopted.

The bill was ordered engrossed.

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

Representatives Ortiz-Self, Ybarra, Sutherland and Santos spoke in favor of the passage of the bill.

Representatives Walsh, Chase and Walsh (again) 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 House Bill No. 1113.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1113, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson,

Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Dufault, Dye, Gilday, Graham, Jacobsen, Kraft, McCaslin, McEntire, Orcutt, Robertson, Schmick, Vick and Walsh.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1189, by Representatives Duerr, Boehnke, Bateman, Sullivan, Fitzgibbon, Walen, Ramel, Springer, Wicks, Slatter, Pollet, Callan and Harris-Talley

Authorizing tax increment financing for local governments. Revised for 1st Substitute: Concerning tax increment financing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1189 was substituted for House Bill No. 1189 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1189 was read the second time.

Representative Orcutt moved the adoption of amendment (337):

On page 4, line 13, after "(f)" insert "The ordinance must be submitted to the voters at a special or general election and must be approved by a majority of the persons voting. The ballot title shall include the language substantially similar to the following: "shall the local government be authorized to suspend the one percent limit on property tax increases and form a tax increment financing area";

(g) "

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

On page 4, line 15, after "subsection" insert "and approval by the voters as provided in subsection (f) of this subsection"

Representatives Orcutt, Kraft, Orcutt (again) and Klippert spoke in favor of the adoption of the amendment.

Representative Frame spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (337) and the amendment was not adopted by the following vote: Yeas: 45; Nays: 52; Absent: 0; Excused: 1

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

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

Excused: Representative Volz

Representative Duerr moved the adoption of amendment (203):

On page 4, line 34, after "must" strike "consider" and insert "prepare"

On page 5, line 40, after "review" insert "and consider any comments that the treasurer may provide upon completion of their review of the project analysis as provided under this subsection"

On page 6, from the beginning of line 1 strike all material through "necessary" on line 2 and insert "must complete the review within 90 days of receipt of the project analysis and may consult with other agencies and outside experts as necessary. Upon completing their review, the treasurer must promptly provide to the local government any comments regarding suggested revisions or enhancements to the project analysis that the treasurer deems appropriate based on the requirements in section 2(2)"

Representatives Duerr and Orcutt spoke in favor of the adoption of the amendment.

Amendment (203) was adopted.

Representative Leavitt moved the adoption of amendment (340):

On page 5, line 39, after "must" strike "submit" and insert ":

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

(b) Submit"

Representatives Leavitt and Orcutt spoke in favor of the adoption of the amendment.

Amendment (340) was adopted.

Representative Orcutt moved the adoption of amendment (193):

On page 10, beginning on line 11, strike all of section 10

On page 11, beginning on line 8, strike all of section 11

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

Correct the title.

Representative Orcutt withdrew amendment (193).

The bill was ordered engrossed.

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

Representatives Duerr and Boehnke spoke in favor of the passage of the bill.

Representative Orcutt 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 House Bill No. 1189.

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1189, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

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

Voting nay: Representatives Abbarno, Bronoske, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Graham, Griffey, Harris, Jacobsen, Klicker, Kraft, Kretz, Leavitt, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Rule, Santos, Schmick, Sutherland, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1504, by Representatives Chopp, Simmons, Berry, Davis, Valdez, Wylie, J. Johnson, Ryu, Tharinger, Taylor, Goodman, Bergquist, Ramel, Peterson, Senn, Dolan, Ormsby, Duerr, Macri, Kloba, Callan, Morgan, Stonier, Pollet, Riccelli and Thai

Modifying the workforce education investment act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1504 was substituted for House Bill No. 1504 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1504 was read the second time.

Representative Chopp moved the adoption of amendment (336):

On page 6, line 8, after "~~dollars~~)" strike "\$2,000,000" and insert "\$5,000,000"

Representatives Chopp and Caldier spoke in favor of the adoption of the amendment.

Amendment (336) was adopted.

The bill was ordered engrossed.

ROLL CALL

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

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

Representatives Chambers and Caldier spoke against the passage of the bill.

MOTION

On motion of Representative Maycumber, Representative Griffey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1504.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1504, and the bill passed the House by the following vote: Yeas, 62; Nays, 34; Absent, 0; Excused, 2.

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

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1504, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 1017, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1073, by Representatives Berry, Wicks, Fitzgibbon, Bateman, Tharinger, Simmons, Kloba, Ramel, Ortiz-Self, Goodman, Ryu, Bronoske, Hackney, Chopp, Riccelli, Stonier, Frame, Macri, Davis, Pollet, Bergquist and Harris-Talley

Expanding coverage of the paid family and medical leave program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1073 was substituted for House Bill No. 1073 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1073 was read the second time.

Representative Hoff moved the adoption of amendment (304):

On page 1, line 17, after "workers" insert "and related costs for any additional grants under RCW 50A.24.010"

On page 3, after line 21, insert the following:

"Sec. 5. RCW 50A.24.010 and 2019 c 13 s 36 are each amended to read as follows:

(1) The legislature recognizes that while family leave and medical leave benefit both employees and employers, there may be costs that disproportionately impact small businesses. To equitably balance the risks among employers, the legislature intends to assist small businesses with the costs of an employee's use of family or medical leave.

(2) Employers with one hundred fifty or fewer employees and employers with fifty or fewer employees who are assessed all premiums under RCW 50A.10.030(5)(b) may apply to the department for a grant under this section.

(3) (a) An employer may receive a grant of:

(i) ~~((three))~~ Three thousand dollars if the employer hires a temporary worker to replace an employee on family or medical leave for a period of seven days or more; or

(ii) Six thousand dollars if the employer hires a temporary worker to replace an employee on family or medical leave under section 3 of this act for a period of seven days or more.

(b) For an employee's family or medical leave, an employer may receive a grant of:

(i) ~~((up))~~ Up to one thousand dollars as reimbursement for significant additional wage-related costs due to the employee's leave; or

(ii) Up to two thousand dollars as reimbursement for significant additional wage-related costs due to the employee's

leave for those employees on leave under section 3 of this act.

(c) An employer may receive a grant under (a) or (b) of this subsection, but not both, except that an employer who received a grant under (b) of this subsection may receive a grant of the difference between the grant awarded under (b) of this subsection and three thousand dollars if the employee on leave extended the leave beyond the leave initially planned and the employer hired a temporary worker for the employee on leave.

(4) An employer may apply for a grant no more than ten times per calendar year and no more than once for each employee on leave.

(5) To be eligible for a grant, the employer must provide the department written documentation showing the temporary worker hired or significant wage-related costs incurred are due to an employee's use of family or medical leave.

(6) The department must assess an employer with fewer than fifty employees who receives a grant under this section for all premiums for three years from the date of receipt of a grant.

(7) ~~((The))~~ Except for any grants provided for employees on family or medical leave under section 3 of this act, grants under this section shall be funded from the family and medical leave insurance account.

(8) The commissioner shall adopt rules as necessary to implement this section.

(9) For the purposes of this section, the number of employees must be calculated as provided in RCW 50A.10.030.

(10) An employer who has an approved voluntary plan is not eligible to receive a grant under this section."

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

Correct the title.

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

Representative Bronoske spoke against the adoption of the amendment.

Amendment (304) was not adopted.

Representative Hoff moved the adoption of amendment (305):

On page 1, line 17, after "workers" insert "and related costs for any additional grants under RCW 50A.24.010"

On page 3, after line 21, insert the following:

"**Sec. 5.** RCW 50A.24.010 and 2019 c 13 s 36 are each amended to read as follows:

(1) The legislature recognizes that while family leave and medical leave benefit both employees and employers, there may be costs that disproportionately impact small businesses. To equitably balance the risks among employers, the legislature intends to assist small businesses with the costs of an employee's use of family or medical leave.

(2) Employers with one hundred fifty or fewer employees and employers with fifty or fewer employees who are assessed all premiums under RCW 50A.10.030(5)(b) may apply to the department for a grant under this section.

(3) (a) An employer may receive a grant of three thousand dollars if the employer hires a temporary worker to replace an employee on family or medical leave for a period of seven days or more.

(b) For an employee's family or medical leave, an employer may receive a grant of up to one thousand dollars as reimbursement for significant additional wage-related costs due to the employee's leave.

(c) An employer may receive a grant under (a) or (b) of this subsection, but not both, except that an employer who received a grant under (b) of this subsection may receive a grant of the difference between the grant awarded under (b) of this subsection and three thousand dollars if the employee on leave extended the leave beyond the leave initially planned and the employer hired a temporary worker for the employee on leave.

(4) An employer may apply for a grant no more than ten times per calendar year and no more than once for each employee on leave.

(5) To be eligible for a grant, the employer must provide the department written documentation showing the temporary worker hired or significant

wage-related costs incurred are due to an employee's use of family or medical leave.

(6) The department must assess an employer with fewer than fifty employees who receives a grant under this section for all premiums for three years from the date of receipt of a grant.

(7) ~~((The))~~ Except for any grants provided for employees on family or medical leave under section 3 of this act, grants under this section shall be funded from the family and medical leave insurance account.

(8) The commissioner shall adopt rules as necessary to implement this section.

(9) For the purposes of this section, the number of employees must be calculated as provided in RCW 50A.10.030.

(10) An employer who has an approved voluntary plan is not eligible to receive a grant under this section."

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

Correct the title.

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

Amendment (305) was adopted.

Representative Dufault moved the adoption of amendment (293):

On page 3, beginning on line 28, after "Sec. 7." strike all material through "immediately" on line 31 and insert "(1) This act takes effect ninety days following the expiration or termination of Proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19.

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

Correct the title.

Representative Stonier requested a scope and object ruling on amendment (293).

SPEAKER'S RULING

"The title of the bill is an act relating to expanding coverage of the paid family and medical leave program.

The bill provides temporary alternate eligibility for Paid Family Medical Leave claims.

Amendment (293) ties the effective date of the bill to the expiration of the Governor's proclamation declaring a state of emergency due to the COVID-19 pandemic.

This legislative session over a dozen bills have been filed relating to the emergency powers of the governor and the executive branch. The wisdom or necessity of statutes granting authority to issue emergency orders and the wisdom or necessity of the emergency orders that have been issued pursuant to such statutes are topics separate and distinct from the issue presented in the bill before us – whether to expand coverage of the paid family and medical leave program.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

The bill was ordered engrossed.

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

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

Representatives Hoff and Harris 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 House Bill No. 1073.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1073, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

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, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker,

POINT OF ORDER

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

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1073, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1287, by Representatives Ramel, Hackney, Bateman, Fitzgibbon, Berry, Goodman, Santos, Kloba, Macri, Bergquist, Ormsby and Pollet

Concerning preparedness for a zero emissions transportation future.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1287 was substituted for House Bill No. 1287 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1287 was read the second time.

With the consent of the House, amendments (327) and (194) were withdrawn.

Representative Barkis moved the adoption of amendment (267):

On page 2, line 15, after "convenience stores" insert ", gas stations,"

On page 4, line 15, after "infrastructure." insert "The department must identify gas stations, convenience stores, and other small retailers that are colocated with existing and known electric vehicle charging infrastructure identified under this subsection."

On page 5, line 15, after "appropriate." insert "To the extent that the mapping and forecasting tool is used by the department as the basis for the identification of recommended future electric vehicle charging sites, the department must consider recommending sites that are colocated with small retailers, including gas stations and convenience stores, and other amenities."

Representatives Barkis and Ramel spoke in favor of the adoption of the amendment.

Amendment (267) was adopted.

Representative Dye moved the adoption of amendment (270):

On page 3, at the beginning of line 8, strike all material through "70A.45.020"

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

Representative Slatter spoke against the adoption of the amendment.

Amendment (270) was not adopted.

Representative Ramel moved the adoption of amendment (242):

On page 4, beginning on line 15, after "infrastructure" strike all material through "infrastructure" on line 18

On page 4, line 32, after "each" strike "county's" and insert "utility service area's"

On page 4, line 33, after "each" strike "county's" and insert "utility service area's"

On page 6, beginning on line 15, after "(e)" strike all material through "(f)" on line 22

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

On page 8, line 16, after "plan" strike "supports and"

On page 8, line 17, after "(i)" strike "(A)"

On page 8, beginning on line 19, after "area," strike all material through "70A.45.020" on line 24 and insert "including anticipated levels of zero emissions vehicle use in the utility's service area provided in section 2 of this act, if feasible"

On page 10, line 8, after "(e)" strike "Supports and accounts" and insert "Accounts"

On page 10, line 9, after "(i)" strike "(A)"

On page 10, beginning on line 11, after "area," strike all material through "70A.45.020" on line 16 and insert "including anticipated levels of zero emissions vehicle use in the utility's service area provided in section 2 of this act, if feasible"

Representatives Ramel and Barkis spoke in favor of the adoption of the amendment.

Amendment (242) was adopted.

Representative Barkis moved the adoption of amendment (158):

On page 12, after line 15, insert the following:

"**Sec. 5.** RCW 82.44.200 and 2019 c 287 s 15 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes, including section 2 of this act. Moneys in the account may be spent only after appropriation."

Correct the title.

Representatives Barkis and Fey spoke in favor of the adoption of the amendment.

Amendment (158) was adopted.

The bill was ordered engrossed.

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

Representatives Ramel, Barkis and Fey spoke in favor of the passage of the bill.

Representatives Dye, Young and McEntire 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 House Bill No. 1287.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1287, and the bill passed the House by the following vote: Yeas, 65; Nays, 31; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, 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, Rule, Ryu, Santos, Sells, Senn, Shewmake,

Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

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

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1287, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1267, by Representatives Entenman, Hackney, Senn, Dolan, Leavitt, Berry, Fitzgibbon, Valdez, Simmons, Ramel, Ortiz-Self, Ramos, Chopp, Davis, Thai, Bergquist, Peterson, Kloba, Callan, Lekanoff, Macri, Goodman, Gregerson, J. Johnson, Lovick, Slatter, Ryu, Berg, Harris-Talley, Sells, Tharinger, Orwall, Pollet, Santos and Ormsby

Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1267 was substituted for House Bill No. 1267 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1267 was read the second time.

With the consent of the House, amendment (295) was withdrawn.

Representative Entenman moved the adoption of amendment (263):

On page 2, line 27, after "(5)" insert "'In-custody" refers to a person who is under the physical control of a general authority Washington law enforcement agency or a limited authority Washington law enforcement agency as defined in RCW 10.93.020 or a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(6) "

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

On page 4, beginning on line 1, after "2022," strike all material through

"chapter" on line 2 and insert "including any incident involving use of deadly force by an involved officer against or upon a person who is in-custody or out-of-custody"

On page 5, beginning on line 32, after "for" strike all material through "agency" on line 34 and insert "involved agencies to notify the office of any incident under the jurisdiction of the office, which must include direction to agencies as to what incidents of force and injuries and other circumstances must be reported to the office, including the timing of such reports, provided that any incident involving substantial bodily harm, great bodily harm, or death is reported to the office immediately in accordance with section 402 of this act"

On page 12, line 12, after "2022" insert ", including any incident involving use of deadly force by an involved officer against or upon a person who is in-custody or out-of-custody"

On page 16, beginning on line 20, beginning with "under" strike all material through "agency" on line 21 and insert "by an involved officer in accordance with the requirements under section 304 of this act and"

On page 20, beginning on line 30, after "limited to" strike all material through "and" on line 31 and insert "other types of in-custody deaths not involving use of force but otherwise involving criminal acts committed by involved officers as well as"

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

Representative Mosbrucker spoke against the adoption of the amendment.

Amendment (263) was adopted.

Representative Klippert moved the adoption of amendment (269):

On page 9, line 7, after "racial" strike "equity" and insert "equality"

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

Representative Santos spoke against the adoption of the amendment.

Amendment (269) was not adopted.

Representative Klippert moved the adoption of striking amendment (276):

Strike everything after the enacting clause and insert the following:

"PART I

FINDINGS AND INTENT

NEW SECTION. **Sec. 101.** (1) The legislature finds that independent investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm are a necessary component to repairing and building public trust in the public service of law enforcement.

(2) The legislature further finds that the current practice for independent investigations enables the perception that such investigations are not fully independent and objective.

(3) The legislature further finds that it is necessary to establish a new state law enforcement agency with the sole purpose of conducting independent investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011.

(4) The legislature recognizes that it is necessary to make incremental improvements to the existing system of independent investigations while a new state law enforcement agency is formed and becomes operational.

PART II

CREATING A COMPLETELY INDEPENDENT DEADLY FORCE INVESTIGATIONS AGENCY

NEW SECTION. **Sec. 201.** A new section is added to chapter 10.114 RCW to read as follows:

(1) There is hereby created a department of state government known as the Washington deadly force investigations agency.

(2) The sole purpose of the agency is to conduct completely independent investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011 and in compliance with rules adopted by the criminal justice training commission pursuant to RCW 10.114.011.

(3) The agency shall be a limited authority Washington law enforcement agency, as defined in RCW 10.93.020, for the sole purpose of, and authority in, conducting completely independent criminal investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011.

NEW SECTION. Sec. 202. A new section is added to chapter 10.114 RCW to read as follows:

The Washington deadly force investigations agency shall be governed by a board, which shall consist of the following:

(1) Two sheriffs appointed by the governor;

(2) Two police chiefs appointed by the governor;

(3) The chief of the Washington state patrol;

(4) One prosecuting attorney appointed by the governor;

(5) One person employed in a city law enforcement agency with experience conducting homicide investigations appointed by the governor;

(6) One person employed in a county law enforcement agency with experience conducting homicide investigations appointed by the governor;

(7) The executive director of the commission on African American affairs;

(8) The executive director of the commission on Asian Pacific American affairs;

(9) The executive director of the commission on Hispanic affairs;

(10) The executive director of the governor's office of Indian affairs;

(11) One person representing families of individuals against whom a Washington peace officer used deadly force appointed by the governor;

(12) Two members of the general public appointed by the governor; and

(13) The executive director of the criminal justice training commission, who shall be an ex officio nonvoting member.

NEW SECTION. Sec. 203. A new section is added to chapter 10.114 RCW to read as follows:

(1) All members appointed to the board described in section 202 of this act by the governor shall be appointed for terms of six years, such terms to commence on July 1st, and expire on June 30th: PROVIDED, That of the members first appointed, three shall be appointed for two-year terms, three shall be appointed for four-year terms, and three shall be appointed for six-year terms: PROVIDED FURTHER, That the terms of the two members appointed as police chiefs shall not expire in the same year, nor shall the terms of the two members appointed as sheriffs expire in the same year. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he or she is to succeed. Any member may be reappointed for additional terms.

(2) Any member of the board appointed pursuant to section 202 of this act by virtue of his or her elected or appointed position shall immediately, upon the termination of his or her holding of said office or employment, cease to be a member of the board.

NEW SECTION. Sec. 204. A new section is added to chapter 10.114 RCW to read as follows:

(1) The board described in section 202 of this act shall elect a chair and a vice chair from among its members. Eight members of the board shall constitute a quorum. The governor shall summon the board to its first meeting. Meetings may be called by the chair and shall be called by him or her upon the written request of four members.

(2) Members of the board shall be compensated in accordance with RCW 43.03.240, and shall be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Attendance at meetings of the Washington deadly force investigations agency shall be deemed performance by a member of the duties of his or her employment.

NEW SECTION. Sec. 205. A new section is added to chapter 10.114 RCW to read as follows:

The board described in section 202 of this act must:

(1) Select and employ an executive director to oversee the implementation of the purpose of the Washington deadly force investigations agency.

(2) Establish policies as it deems necessary pursuant to the purpose of the agency.

(3) Designate specific personnel positions as limited authority Washington peace officers for the sole purpose of conducting completely independent investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011.

(4) Adopt policies and procedures to ensure that actions of the board and board members are isolated from bias and political influence.

(5) Adopt policies and procedures to ensure that it can properly oversee the activities of the agency and the executive director without involving itself or any board member in any investigation conducted by the agency pursuant to its purpose.

(6) Adopt policies and procedures to ensure the complete independence of the agency and all agency employees in the execution of their assigned duties including, but not limited to, prohibiting the provision of mutual aid or mutual law enforcement assistance pursuant to chapter 10.93 RCW.

(7) Ensure that employees of the agency are sufficiently trained and properly equipped to carry out their assigned duties.

(8) Ensure that the agency is capable of dispatching an independent investigative team to any scene anywhere in the state 24 hours a day, 365 days a year whenever a Washington peace officer is alleged to have used deadly force that results in death, substantial bodily harm, or great bodily harm to conduct the independent investigation as required by RCW 10.114.011.

NEW SECTION. Sec. 206. A new section is added to chapter 10.114 RCW to read as follows:

Employees of the Washington deadly force investigations agency assigned by the executive director to positions designated by the board described in section 202 of this act as limited authority Washington peace officers:

(1) Must be certified Washington peace officers in good standing;

(2) Are explicitly prohibited from taking any law enforcement action other than conducting completely independent investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011; and

(3) Are explicitly prohibited from simultaneously being employed by, being commissioned by, having any business relationship with, or occupying any position or role in, any other law enforcement or corrections agency.

PART III

INCREMENTAL IMPROVEMENTS

NEW SECTION. Sec. 301. A new section is added to chapter 10.114 RCW to read as follows:

(1) A law enforcement agency conducting an independent investigation into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011 must, at the conclusion of the investigation, submit to the prosecuting attorney its certification, signed under penalty of perjury by all members of the independent investigations team, that the investigation was:

(a) Completely independent of the agency whose peace officer was involved in the use of deadly force; and

(b) In compliance with the rules adopted by the criminal justice training commission pursuant to RCW 10.114.011 by listing each substantive provision of the applicable rules adopted by the commission and indicating whether the independent investigation complied with the provision or did not comply with the provision, or that the provision was not applicable.

(2) Any peace officer who knowingly falsifies or provides misleading information on a certification required by this section, or knowingly signs a certification required by this section that contains false or misleading information, is deemed to have violated his or her duty to be truthful and honest in the conduct of his or her official business pursuant to RCW 43.101.021, and is deemed to have committed disqualifying misconduct for the purposes of revocation

of peace officer certification pursuant to RCW 43.101.105.

(3) The requirements of this section are intended solely for the guidance of prosecutors in the state of Washington, and are not intended, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.

PART IV

MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 401.** A new section is added to chapter 10.114 RCW to read as follows:

The legislature hereby declares that, except as required by federal consent decree, federal settlement agreement, or federal court order, any provision of any local regulation, ordinance, collective bargaining agreement, memorandum of understanding, policy, or practice that hinders or prevents a completely independent investigation as required by RCW 10.114.011 is hereby null and void.

NEW SECTION. **Sec. 402.** A new section is added to chapter 41.56 RCW to read as follows:

Notwithstanding any provisions of this chapter, the provisions of this act and the implementation thereof do not constitute personnel matters, working conditions, or any other change that require collective bargaining.

NEW SECTION. **Sec. 403.** To the extent that any provision of this act conflicts with any local regulation, ordinance, collective bargaining agreement, memorandum of understanding, policy, or practice, the provisions of this act shall prevail and the conflicting provision shall be null and void.

NEW SECTION. **Sec. 404.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Sec. 405. RCW 10.93.020 and 2006 c 284 s 16 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency,

department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor ~~((control))~~ and cannabis board, the office of the insurance commissioner, the Washington deadly force investigations agency created in section 201 of this act, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, an

Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

NEW SECTION. **Sec. 406.** 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."

Correct the title.

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

Representative Goodman spoke against the adoption of the striking amendment.

Striking amendment (276) was not adopted.

The bill was ordered engrossed.

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

Representatives Entenman and Hackney spoke in favor of the passage of the bill.

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

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1267.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1267, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

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

Excused: Representatives Griffey and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1267, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1220, by Representatives Peterson, Macri, Bateman, Ryu, Lekanoff, Fitzgibbon, Kloba, Davis, Lovick, Santos, Ortiz-Self, Simmons, Berg, Hackney, Chopp, Tharinger and Frame

Supporting emergency shelters and housing through local planning and development regulations.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1220 was substituted for House Bill No. 1220 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1220 was read the second time.

With the consent of the House, amendment (328) was withdrawn.

Representative Goehner moved the adoption of amendment (281):

On page 11, line 17, after "city" strike "may not prohibit" and insert "should consider"

On page 11, beginning on line 20, after "allowed." strike "This requirement does not preclude a code city from implementing" and insert "A code city may implement"

On page 11, line 24, after "zones." insert "A code city may prohibit emergency housing, permanent supportive housing, or indoor emergency shelters if there are safety or health concerns. A code city may restrict placement of such housing close to elementary schools, child care centers, or cannabis or liquor stores."

On page 11, line 27, after "city" strike "may not prohibit" and insert "should consider"

On page 11, at the beginning of line 30, strike "This requirement does not preclude a city from implementing" and insert "A city may implement"

On page 11, line 33, after "zones." insert "A city may prohibit emergency housing, permanent supportive housing, or indoor emergency shelters if there are safety or health concerns. A city may restrict placement of such housing close to elementary schools, child care centers, or cannabis or liquor stores."

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

Representative Pollet spoke against the adoption of the amendment.

Amendment (281) was not adopted.

Representative Peterson moved the adoption of amendment (284):

On page 11, line 19, after "commercial," strike "mixed use, or form-based" and insert "or mixed use"

On page 11, line 20, after "allowed." insert "Emergency housing, permanent supportive housing, and short-term transitional or therapeutic housing, including, but not limited to, domestic violence shelters, homes for foster or other youth or young adults at risk of homelessness, or residential therapeutic services, shall be permitted by a code city at the same occupancy levels as short-term rentals permitted in the residential zone."

On page 11, line 24, after "in" strike "other zones" and insert "all zones. For purposes of this section, "short-term rental" means lodging advertised or regularly offered for overnight or daily use in exchange for compensation for periods of one month or less."

On page 11, line 28, after "commercial," insert "or"

On page 11, line 29, after "mixed use" strike ", or form-based"

On page 11, at the beginning of line 30, insert "Emergency housing, permanent supportive housing, and short-term transitional or therapeutic housing, including, but not limited to, domestic violence shelters, homes for foster or other youth or young adults at risk of homelessness, or residential therapeutic services, shall be permitted by a city at

the same occupancy levels as short-term rentals permitted in the residential zone."

On page 11, line 33, after "in" strike "other zones" and insert "all zones. For purposes of this section, "short-term rental" means lodging advertised or regularly offered for overnight or daily use in exchange for compensation for periods of one month or less."

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

Representative Goehner spoke against the adoption of the amendment.

Amendment (284) was adopted.

Representative Abbarno moved the adoption of amendment (268):

On page 11, line 24, after "zones." insert "A code city may adopt ordinances to control or provide alternative options for wastewater discharge from emergency shelters that include tent encampments or vehicles in which people are living to prevent pollution of community drinking water sources, critical aquifers, or waterways. A code city may prohibit such emergency shelters if adequate onsite provisions for wastewater discharge have not been made."

On page 11, line 33, after "zones." insert "A city may adopt ordinances to control or provide alternative options for wastewater discharge from emergency shelters that include tent encampments or vehicles in which people are living to prevent pollution of community drinking water sources, critical aquifers, or waterways. A code city may prohibit such emergency shelters if adequate onsite provisions for wastewater discharge have not been made."

Representatives Abbarno, Barkis and Harris spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (268) and the amendment was not adopted by the following vote: Yeas: 41; Nays: 55; Absent: 0; Excused: 2

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

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

Excused: Representatives Griffey, and Volz

The bill was ordered engrossed.

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

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

Representatives Goehner, Barkis, Eslick, Abbarno and Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1220.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1220, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

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

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

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1220, 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 Finance was relieved of HOUSE BILL NO. 1514, and the bill was referred to the Committee on Rules.

There being no objection, the House adjourned until 9:00 a.m., March 4, 2021, the 53rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 4, 2021

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Paul Harris, 17th Legislative District.

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

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

INTRODUCTION & FIRST READING

E2SSB 5022 by Senate Committee on Ways & Means (originally sponsored by Das, Rolfes, Carlyle, Dhingra, Keiser, Kuderer, Liias, Lovelett, Nobles, Nguyen, Pedersen, Saldaña, Salomon, Stanford, Wellman, Wilson and C.)

AN ACT Relating to managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and requiring recycled content in plastic beverage containers; amending RCW 43.21B.300; reenacting and amending RCW 43.21B.110; adding a new chapter to Title 70A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Appropriations.

2SSB 5045 by Senate Committee on Ways & Means (originally sponsored by Warnick, Lovelett, Robinson, Rolfes, Schoesler, Short and Van De Wege)

AN ACT Relating to expanding opportunities for meat and poultry processing and inspection; adding a new section to chapter 15.64 RCW; adding a new section to chapter 89.08 RCW; and creating a new section.

Referred to Committee on Appropriations.

SB 5063 by Senators Honeyford, Salomon, Van De Wege and Warnick

AN ACT Relating to the expiration date of the invasive species council; amending RCW 79A.25.310; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 5097 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Robinson, Conway, Darneille, Das, Hasegawa, Hunt, Keiser, Liias, Lovelett, Nguyen, Saldaña, Stanford, Van De Wege, Wilson and C.)

AN ACT Relating to expanding coverage of the paid family and medical leave program; amending RCW 50A.05.010, 50A.30.010, 50A.35.010, and 50A.35.020; and providing an effective date.

Referred to Committee on Appropriations.

SB 5133 by Senators Conway, Hasegawa, Keiser, Saldaña, Wilson and C.

AN ACT Relating to the definition of confidential employee for the purposes of state collective bargaining; and amending RCW 41.80.005.

Referred to Committee on Appropriations.

2SSB 5241 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Nguyen, Darneille, Das, Hasegawa, Hunt, Keiser, Liias, Nobles, Saldaña, Stanford, Wilson and C.)

AN ACT Relating to promoting economic inclusion for people experiencing poverty; adding new sections to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5254 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Salomon, Darneille, Frocht, Hasegawa, Keiser, Saldaña, Stanford, Wilson and C.)

AN ACT Relating to the use of protective devices and equipment during a public health emergency; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

E2SSB 5287 by Senate Committee on Ways & Means (originally sponsored by Das, Kuderer, Conway, Keiser, Liias, Nguyen, Nobles, Pedersen, Randall, Salomon, Wilson and C.)

AN ACT Relating to affordable housing incentives; amending RCW 84.14.005, 84.14.010, 84.14.020, 84.14.040, 84.14.100, 84.14.030, and 84.14.090; adding a new section to chapter 84.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

SSB 5342 by Senate Committee on Housing & Local Government (originally sponsored by Schoesler, Dozier, Hunt and Mullet)

AN ACT Relating to irrigation district elections; amending RCW 87.03.031, 87.03.032, 87.03.033, 87.03.045, 87.03.051, 87.03.071, 87.03.075, 87.03.085, and 87.03.105; adding new sections to chapter 87.03 RCW; and prescribing penalties.

Referred to Committee on State Government & Tribal Relations.

E2SSB 5377 by Senate Committee on Ways & Means (originally sponsored by Frockt, Keiser, Conway, Das, Dhingra, Hunt, Kuderer, Liias, Lovelett, Wilson, C., Nguyen, Pedersen, Saldaña and Salomon)

AN ACT Relating to increasing affordability of standardized plans on the individual market; amending RCW 41.05.410 and 43.71.095; adding new sections to chapter 43.71 RCW; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Appropriations.

SB 5385 by Senators Keiser, Saldaña and Nguyen

AN ACT Relating to the size of the airport a municipality must control or operate for that municipality to enact minimum labor standards for employees at the airport; and amending RCW 14.08.120.

Referred to Committee on Labor & Workplace Standards.

E2SSB 5399 by Senate Committee on Ways & Means (originally sponsored by Randall, Cleveland, Das, Dhingra, Frockt, Hunt, Kuderer, Liias, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Stanford, Van De Wege, Wellman, Wilson and C.)

AN ACT Relating to the creation of a universal health care commission; and adding a new chapter to Title 48 RCW.

Referred to Committee on Appropriations.

SSB 5401 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Nguyen, Rivers, Cleveland, Das,

Dhingra, Gildon, Hasegawa, Holy, Keiser, Kuderer, Liias, Lovelett, Mullet, Saldaña, Stanford, Wellman, Wilson and C.)

AN ACT Relating to degrees in computer science; amending RCW 28B.50.825; and creating a new section.

Referred to Committee on Appropriations.

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

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

Referred to Committee on Transportation.

ESSB 5408 by Senate Committee on Law & Justice (originally sponsored by Stanford, Das, Dhingra, Hasegawa, Kuderer, Lovelett, Nguyen, Randall, Robinson, Rolfes, Saldaña and Wellman)

AN ACT Relating to the homestead exemption; amending RCW 6.13.010, 6.13.030, 6.13.070, 6.13.090, and 61.24.100; and creating a new section.

Referred to Committee on Finance.

ESSB 5441 by Senate Committee on Health & Long Term Care (originally sponsored by Wellman, Cleveland, Das and Lovelett)

AN ACT Relating to informed consent for breast implant surgery; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SJM 8004 by Senators Hasegawa and Saldaña

Addressing "de-risking" by financial institutions.

Referred to Committee on Consumer Protection & Business.

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

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

SECOND READING

HOUSE BILL NO. 1097, by Representatives Sells, Bateman, Ortiz-Self, Kloba, Chopp, Ormsby, Stonier and Macri

Increasing worker protections.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1097 was substituted for House Bill No. 1097 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1097 was read the second time.

Representative Hoff moved the adoption of amendment (297):

On page 1, line 17, after "workplace." insert "Any order issued under this section must include the full text of any law, rule, guidance, or policy governing the order, including the effective date of the law, rule, guidance, or policy."

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

Representative Sells spoke against the adoption of the amendment.

Amendment (297) was not adopted.

Representative Gilday moved the adoption of amendment (291):

On page 6, line 37, after "(1)" strike "(a)"

On page 7, beginning on line 4, after "includes" strike all material through "activities" on line 8 and insert "an action that would deter a reasonable employee from exercising their rights under this chapter"

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

Amendment (291) was adopted.

Representative Kraft moved the adoption of amendment (308):

On page 7, line 11, after "within" strike "~~((thirty))~~ 90" and insert "thirty"

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

Representative Berry spoke against the adoption of the amendment.

Amendment (308) was not adopted.

Representative Harris moved the adoption of amendment (303):

On page 8, line 36, after "has" strike "15 working" and insert "30"

On page 9, line 1, after "within" strike "15 working" and insert "30"

Representatives Harris, Hoff, Stokesbary, Graham, Boehnke, Walsh and Harris (again) spoke in favor of the adoption of the amendment.

Representatives Bronoske and Sells spoke against the adoption of the amendment.

Amendment (303) was not adopted.

Representative Hoff moved the adoption of amendment (306):

On page 13, beginning on line 2, after "authorized to" strike all material through "proclamation" on line 7 and insert "establish a safety grant program, subject to the availability of amounts appropriated for this specific purpose"

On page 13, beginning on line 18, strike all of subsection (4)

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

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

Representative Sells spoke against the adoption of the amendment.

Amendment (306) was not adopted.

Representative Hoff moved the adoption of amendment (307):

On page 13, line 21, after "51.08.175" strike "," and insert "and"

On page 13, beginning on line 21, after "51.08.173" strike all material through "employees" on line 22

Representatives Hoff and Corry spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (307) was not adopted.

Representative Dufault moved the adoption of amendment (296):

On page 13, beginning on line 32, after "7." strike all material through "2022" on line 33 and insert "(1) Sections 1, 2, and 4 of this act take effect 90 days following the expiration or termination of proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19.

(2) Section 3 of this act takes effect July 1, 2022, or 90 days following the expiration or termination of proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19, whichever date is later.

(3) The office of the governor must provide notice of the effective dates of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office of the governor"

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (296).

SPEAKER'S RULING

"The title of the bill is an act relating to increasing worker protections.

The bill amends the Washington Industrial Safety and Health Act by establishing employer appeal procedures of an order of immediate restraint, changing antiretaliation provisions, and creating a small business grant program.

Amendment (296) ties the effective date of the bill to the expiration or termination of the Governor's proclamation declaring a state of emergency due to the COVID-19 pandemic and requires the Governor to notify various entities of the effective date once the proclamation expires or is terminated.

This legislative session over a dozen bills have been filed relating to the emergency powers of the governor and the executive branch. The wisdom or necessity of statutes granting authority to issue emergency orders and the wisdom or necessity of the emergency orders that have been issued pursuant to such statutes are topics separate and distinct from the issue presented in the bill before us – whether workers

should be afforded additional protections under the Washington Industrial Safety and Health Act.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

The bill was ordered engrossed.

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

Representatives Sells, Bronoske, Berry and Stonier spoke in favor of the passage of the bill.

Representatives Hoff, Sutherland, Abbarno, Harris, Corry, Mosbrucker, Graham, Stokesbary, Sutherland (again), Griffey, Dent, Klicker, Ybarra, Dye and Chambers spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Volz was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1097.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1097, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

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, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

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

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097, 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:

HOUSE BILL NO. 1241
HOUSE BILL NO. 1514

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

MESSAGE FROM THE SENATE

March 3, 2021

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5000,
SECOND SUBSTITUTE SENATE BILL NO. 5062,
SUBSTITUTE SENATE BILL NO. 5152,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5191,
SUBSTITUTE SENATE BILL NO. 5210,
SECOND SUBSTITUTE SENATE BILL NO. 5214,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5227,
SENATE BILL NO. 5242,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5245,
SUBSTITUTE SENATE BILL NO. 5249,
SECOND SUBSTITUTE SENATE BILL NO. 5253,
SECOND SUBSTITUTE SENATE BILL NO. 5265,
SENATE BILL NO. 5299,
SUBSTITUTE SENATE BILL NO. 5318,
ENGROSSED SENATE BILL NO. 5328,
SUBSTITUTE SENATE BILL NO. 5417,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

SECOND READING

HOUSE BILL NO. 1335, by Representatives Valdez, Rude, Berry, Fitzgibbon, Morgan, Santos, Shewmake, Davis, Berg, Gilday, Bergquist, Fey, Bateman, Lekanoff, Lovick, Callan, Riccelli, Rule, Pollet, Senn and Harris-Talley

Concerning review and property owner notification of recorded documents with unlawful racial restrictions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1335 was substituted for House Bill No. 1335 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1335 was read the second time.

Representative Pollet moved the adoption of striking amendment (338):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the existence of racial, religious, or ethnic-based property restrictions or covenants on a deed or chain of title for real property is like having a monument to racism on that property and is repugnant to the tenets of equality. Furthermore, such restrictions and covenants may cause mental anguish and tarnish a property owner's sense of ownership in the property because the owner feels as though they have participated in a racist act themselves.

It is the intent of the legislature that the owner, occupant, or tenant or homeowners' association board of the property which is subject to an unlawful deed restriction or covenant pursuant to RCW 49.60.224 is entitled to have discriminatory covenants and restrictions that are contrary to public policy struck from their chain of title. The legislature has presented two ways this can be accomplished through RCW 49.60.227(1) (a) and (b). If the owner, occupant, or tenant or homeowners' association board of the property elects to pursue a judicial remedy, the legislature intends that the court issue a declaratory judgment ordering the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records, to entirely strike the racist or otherwise discriminatory covenants from the chain of title. Striking the language does not prevent preservation of the original record, outside of the chain of title, for historical or archival purposes.

The legislature finds that striking racist, religious, and ethnic restrictions or covenants from the chain of title is no different than having an offensive statutory monument which the owner may entirely remove. So too should the owner be able to entirely remove the offensive written monument to racism or other unconstitutional discrimination.

NEW SECTION. Sec. 2. A new section is added to chapter 49.60 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the University of Washington and Eastern Washington University shall review existing recorded covenants and deed restrictions to identify those recorded documents that include racial or other restrictions on property ownership or use against protected classes that are unlawful under RCW 49.60.224. For properties subject to such racial and other unlawful restrictions, the universities shall provide notice to the property owner and to the county auditor of the county in which the property is located. The universities shall provide information to the property owner on how such provisions can be struck pursuant to RCW 49.60.227. The universities may contract with other public and private not-for-profit higher education institutions that are regionally accredited to carry out the review and notification requirements of this section.

(2) This section expires July 1, 2027.

Sec. 3. RCW 64.06.020 and 2019 c 455 s 3 are each amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT

("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller is/ is not occupying the property.

I. SELLER'S DISCLOSURES:

If you answer "Yes" to a question with an asterisk (), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

I. TITLE

Yes No Don't know A. Do you have legal authority to sell the property? If no, please explain.

Yes No Don't know

*B. Is title to the property subject to any of the following?

- (1) First right of refusal
- (2) Option
- (3) Lease or rental agreement
- (4) Life estate?

(1) The source of water for the property is:

- Private or publicly owned water system
- Private well serving only the subject property
- * Other water system

Yes No Don't know

*C. Are there any encroachments, boundary agreements, or boundary disputes?

Yes No Don't know

*If shared, are there any written agreements?

Yes No Don't know

*D. Is there a private road or easement agreement for access to the property?

Yes No Don't know

*(2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

Yes No Don't know

*E. Are there any rights-of-way, easements, or access limitations that may affect the Buyer's use of the property?

Yes No Don't know

*(3) Are there any problems or repairs needed?

Yes No Don't know

*F. Are there any written agreements for joint maintenance of an easement or right-of-way?

Yes No Don't know

(4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.

Yes No Don't know

*G. Is there any study, survey project, or notice that would adversely affect the property?

Yes No Don't know

*(5) Are there any water treatment systems for the property? If yes, are they Leased Owned

Yes No Don't know

*H. Are there any pending or existing assessments against the property?

Yes No Don't know

*(6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?

Yes No Don't know

*I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?

Yes No Don't know

(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

Yes No Don't know

*J. Is there a boundary survey for the property?

Yes No Don't know

*(b) If yes, has all or any portion of the water right not been used for five or more successive years?

Yes No Don't know

NOTICE TO THE BUYER: Covenants or deed restrictions based on race, creed, sexual orientation, or other protected class were voided by RCW 49.60.224 and are unenforceable. Washington law allows for the illegal language to be struck by bringing an action in superior court or by the free recording of a restrictive covenant modification document. Many county auditor websites provide a short form with instructions on this process.

Yes No Don't know

*(7) Are there any defects in the operation of the water system (e.g. pipes, tank, pump, etc.)?

B. Irrigation Water

Yes No Don't know

(1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?

2. WATER

Yes No Don't know

*(a) If yes, has all or any portion of the water right not been used for five or more successive years?

A. Household Water

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (b) If so, is the certificate available? (If yes, please attach a copy.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (3) Are there any defects in the operation of the on-site sewage system?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed?			<input type="checkbox"/> Don't know	(4) When was it last inspected? ...
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:			<input type="checkbox"/> Don't know	By whom: (5) For how many bedrooms was the on-site sewage system approved? bedrooms

C. Outdoor Sprinkler System

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(1) Is there an outdoor sprinkler system for the property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain:
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (2) If yes, are there any defects in the system?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* F. Have there been any changes or repairs to the on-site sewage system?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (3) If yes, is the sprinkler system connected to irrigation water?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.

3. SEWER/ON-SITE SEWAGE SYSTEM

A. The property is served by:				<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year?
<input type="checkbox"/> Public sewer system,							
<input type="checkbox"/> On-site sewage system (including pipes, tanks, drainfields, and all other component parts)							
<input type="checkbox"/> Other disposal system, please describe:							
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* A. Has the roof leaked within the last five years?
			D. If the property is connected to an on-site sewage system:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* B. Has the basement flooded or leaked?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* C. Have there been any conversions, additions, or remodeling?
			(2) When was it last pumped?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (1) If yes, were all building permits obtained?
			...	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (2) If yes, were all final inspections obtained?
				<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	D. Do you know the age of the house? If yes, year of original construction:
				<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* E. Has there been any settling, slippage, or sliding of the property or its improvements?
				<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* F. Are there any defects with the following: (If yes,

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

4. STRUCTURAL

			please check applicable items and explain.)				are they leased? (If yes, please attach copy of lease.)					
<input type="checkbox"/>	Foundations	<input type="checkbox"/>	Decks	<input type="checkbox"/>	Exterior Walls	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	Security system
<input type="checkbox"/>	Chimneys	<input type="checkbox"/>	Interior Walls	<input type="checkbox"/>	Fire Alarm	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	Tanks (type):
<input type="checkbox"/>	Doors	<input type="checkbox"/>	Windows	<input type="checkbox"/>	Patio	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	Satellite dish
<input type="checkbox"/>	Ceilings	<input type="checkbox"/>	Slab Floors	<input type="checkbox"/>	Driveways							Other:
<input type="checkbox"/>	Pools	<input type="checkbox"/>	Hot Tub	<input type="checkbox"/>	Sauna							*C. Are any of the following kinds of wood burning appliances present at the property?
<input type="checkbox"/>	Sidewalks	<input type="checkbox"/>	Outbuildings	<input type="checkbox"/>	Fireplaces	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	(1) Woodstove?
<input type="checkbox"/>	Garage Floors	<input type="checkbox"/>	Walkways	<input type="checkbox"/>	Siding	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	(2) Fireplace insert?
<input type="checkbox"/>	Other	<input type="checkbox"/>	Woodstoves	<input type="checkbox"/>	Elevators	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	(3) Pellet stove?
<input type="checkbox"/>	Elevators	<input type="checkbox"/>	Incline Chair Lifts	<input type="checkbox"/>	Stairway Chair Lifts	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	(4) Fireplace?
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	D. Is the property located within a city, county, or district or within a department of natural resources fire protection zone that provides fire protection services?
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	E. Is the property equipped with carbon monoxide alarms? (Note: Pursuant to RCW 19.27.530, seller must equip the residence with carbon monoxide alarms as required by the state building code.)
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	F. Is the property equipped with smoke detection devices? (Note: Pursuant to RCW 43.44.110, if the property is not equipped with at least one smoke detection device, at least one must be provided by the seller.)
5. SYSTEMS AND FIXTURES												
*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.												
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	Electrical system, including wiring, switches, outlets, and service
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	Plumbing system, including pipes, faucets, fixtures, and toilets
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	Hot water tank
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	Garbage disposal
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	Appliances
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	Sump pump
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	Heating and cooling systems
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	Security system
[] Owned [] Leased												
Other												
*B. If any of the following fixtures or property is included with the transfer,												

6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS

A. Is there a Homeowners' Association? Name of Association and contact information for an officer, director, employee, or other authorized agent, if any, who may provide the association's financial statements, minutes, bylaws, fining policy, and other information that is not publicly available:

Yes No Don't know

B. Are there regular periodic assessments:

\$. . . per Month Year

Other

Yes No Don't know

Yes No Don't know

*C. Are there any pending special assessments?

Yes No Don't know

*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

Yes No Don't know

Yes No Don't know

8. MANUFACTURED AND MOBILE HOMES

If the property includes a manufactured or mobile home,

*A. Did you make any alterations to the home? If yes, please describe the alterations:

*B. Did any previous owner make any alterations to the home?

*C. If alterations were made, were permits or variances for these alterations obtained?

9. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

Yes No Don't know

*Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

7. ENVIRONMENTAL

Yes No Don't know

*A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

Yes No Don't know

Yes No Don't know

*B. Does any part of the property contain fill dirt, waste, or other fill material?

Yes No Don't know

*C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes No Don't know

D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

Yes No Don't know

*E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

DATE SELLER SELLER

NOTICE TO THE BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY

BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

Yes No Don't know

*F. Has the property been used for commercial or industrial purposes?

Yes No Don't know

*G. Is there any soil or groundwater contamination?

Yes No Don't know

*H. Are there transmission poles or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

II. BUYER'S ACKNOWLEDGMENT

A Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.

Yes No Don't know

*I. Has the property been used as a legal or illegal dumping site?

B The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.

Yes No Don't know

*J. Has the property been used as an illegal drug manufacturing site?

C Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

Yes No Don't know

*K. Are there any radio towers in the area that cause interference with cellular telephone reception?

- D This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.
- E Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE BUYER
 BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 4. RCW 49.60.227 and 2018 c 65 s 1 are each amended to read as follows:

(1)(a) If a written instrument contains a provision that is void by reason of RCW 49.60.224, the owner, occupant, or tenant of the property which is subject to the provision or the homeowners' association board may cause the provision to be stricken from the

public records by bringing an action in the superior court in the county in which the property is located. The action shall be an in rem, declaratory judgment action whose title shall be the description of the property. The necessary party to the action shall be the owner, occupant, or tenant of the property or any portion thereof. The person bringing the action shall pay a fee set under RCW 36.18.012.

(b) If the court finds that any provisions of the written instrument are void under RCW 49.60.224, it shall enter an order striking the void provisions from the public records and eliminating the void provisions from the title or lease of the property described in the complaint.

(i) A complete copy of any document affected by the order shall be made an exhibit to the order and the order shall identify each document by recording number and date of recordation and set forth verbatim the void provisions to be struck from such document. The order shall include a certified copy of each document, upon which the court has physically redacted the void provisions.

(ii) The person bringing the action may obtain and deliver a certified copy of the order to the office of the county auditor or, in charter counties, the county official charged with the responsibility for recording instruments in the county records, in the county where the property is located.

(iii) The auditor shall record the documents prepared by the court. An image of each document so corrected shall be placed in the public records. Each corrected document shall contain the following information on the first page or a cover page prepared pursuant to RCW 65.04.047: The auditor's file number or book and page of the original document, a notation that the original document was corrected pursuant to this section, the cause number of the court action, and the date the order was entered.

(iv) The auditor or official shall update the index of each original document referenced in the order with the auditor's file number of the corrected document. Further, the index will note that the original record is no longer the primary official public record and is removed from the chain of title pursuant to the court order.

(v) At the auditor's or official's discretion, the original document or

image may be transferred to the secretary of state archives division to be preserved for historical or archival purposes.

(2)(a) As an alternative to the judicial procedure set forth in subsection (1) of this section, the owner of property subject to a written instrument that contains a provision that is void by reason of RCW 49.60.224 may record a restrictive covenant modification document with the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records, in the county in which the property is located.

(b) The modification document shall contain a recording reference to the original written instrument.

(c) The modification document must state, in part:

"The referenced original written instrument contains discriminatory provisions that are void and unenforceable under RCW 49.60.224 and federal law. This document strikes from the referenced original instrument all provisions that are void and unenforceable under law."

(d) The effective date of the modification document shall be the same as the effective date of the original written instrument.

(e) If the owner causes to be recorded a modification document that contains modifications not authorized by this section, the county auditor or recording officer shall not incur liability for recording the document. Any liability that may result is the sole responsibility of the owner who caused the recordation.

(f) No filing or recording fees or otherwise authorized surcharges shall be required for the filing of a modification document pursuant to this section.

(3) For the purposes of this section, "restrictive covenant modification document" or "modification document" means a standard form developed and designed by the Washington state association of county auditors.

NEW SECTION. Sec. 5. This act applies to real estate transactions entered into on or after January 1, 2022."

Correct the title.

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

Striking amendment (338) was adopted.

The bill was ordered engrossed.

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

Representatives Valdez, Rude, Berg, Gilday, Wilcox, Ybarra and Maycumber spoke in favor of the passage of the bill.

Representative 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 Engrossed Second Substitute House Bill No. 1335.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1335, 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.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1335, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1139, by Representatives Pollet, Callan, Berg, Dolan, Ryu, Leavitt, Bronoske, Ramel, Ramos, Lekanoff, Stonier, Ortiz-Self, Frame, Goodman, Rule, Bergquist, Berry, Wylie, J. Johnson, Taylor and Valdez

Taking action to address lead in drinking water.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1139 was substituted for House Bill No. 1139 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1139 was read the second time.

Representative Pollet moved the adoption of amendment (342):

On page 3, beginning on line 5, after "(3)" strike all material through "communicate" on line 11 and insert "(a) Except as provided in (b) of this subsection, a school shall communicate annually"

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

On page 3, line 15, after "exposure" strike "and that even small amounts of lead can be harmful"

On page 3, beginning on line 16, after "the" strike all material through "threshold," on line 19 and insert "most recent lead test results; and information about the school's plan"

On page 3, at the beginning of line 22, strike "(5)" and insert "(b) The annual communication described under (a) of this subsection is not required if initial testing, or once postremediation testing, does not detect an elevated lead level at any drinking water outlet.

(4) "

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

On page 3, beginning on line 23, after "reveals" strike all material through "section," on line 24 and insert "a lead concentration that exceeds 15 parts per billion"

On page 3, line 25, after "measure" insert ", such as use of a filter,"

On page 4, line 1, after "of" insert "state or federal"

On page 4, line 3, after "Include" strike "confirmatory retesting" and insert "postremediation retesting to confirm that remediation activities have reduced lead concentrations at drinking water outlets to below the elevated lead level"

On page 4, line 4, after "(c)" insert "The school action plan may include sampling and testing of the drinking water entering the school when the results of testing for lead contamination at drinking water outlets within the school indicate that the infrastructure of the public water system is a significant contributor to the elevated lead levels.

(d) "

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

On page 4, beginning on line 7, after "that" strike all material through "contamination" on line 8 and insert "a significant contributor to lead contamination in school drinking water"

On page 4, line 9, after "body" strike "is" and insert ": (i) Is"

On page 4, beginning on line 11, after "infrastructure" strike ". However, the school's governing body" and insert "; (ii)"

On page 4, line 13, after "regarding" strike all material through "contamination" and insert "its significant contribution to lead contamination in school drinking water"

On page 4, line 14, after "contamination" insert "; and (iii) may defer its remediation activities under (b) of this subsection until after the elevated lead level in the public water system's infrastructure is remediated and postremediation retesting does not detect an elevated lead level in the drinking water that passes through that infrastructure"

On page 4, line 18, after "which" insert "postremediation"

On page 4, line 21, after "subsection" strike "(4)" and insert "(3)"

On page 4, after line 25, insert the following:

"(6) A school's governing body must post on a public website the most recent results of testing for lead contamination at drinking water outlets, no later than the time that the proposed school action plan is made publicly available, under (c) of this subsection."

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

There being no objection, the House deferred action on SECOND SUBSTITUTE HOUSE BILL NO. 1139, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1379, by Representatives Lovick, Boehnke, Sutherland, Ryu and Dent

Establishing an unpiloted aircraft system state coordinator and program funding source.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1379 was substituted for House Bill No. 1379 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1379 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 Lovick, Dent and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1379.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1379, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; 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, 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, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dye, Kraft, McCaslin, Robertson, Schmick and Young.

SUBSTITUTE HOUSE BILL NO. 1379, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1379.

Representative Graham, 6th District

SECOND READING

HOUSE BILL NO. 1197, by Representatives Riccelli, Tharinger, Cody, Pollet and Harris-Talley

Concerning health care decisions made by a designated person.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1197 was substituted for House Bill No. 1197 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1197 was read the second time.

Representative Riccelli moved the adoption of striking amendment (387):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.70.065 and 2019 c 232 s 8 and 2019 c 209 s 1 are each reenacted and amended to read as follows:

(1) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent, based upon a reason other than incapacity as defined in RCW 11.88.010(1)(d), shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian of the patient, if any;

(ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(iii) The individual to whom the patient has designated to make health care decisions by orally or personally informing a physician, nurse practitioner, or physician assistant who then signs and enters a document with this information into the patient's health record, provided that the physician, nurse practitioner, or physician assistant determines that the

patient has capacity as defined in (e) of this subsection at the time of the designation and documents it in the patient's health record;

(iv) The patient's spouse or state registered domestic partner;

~~((iv))~~ (v) Children of the patient who are at least eighteen years of age;

~~((v))~~ (vi) Parents of the patient;

~~((vi))~~ (vii) Adult brothers and sisters of the patient;

~~((vii))~~ (viii) Adult grandchildren of the patient who are familiar with the patient;

~~((viii))~~ (ix) Adult nieces and nephews of the patient who are familiar with the patient;

~~((ix))~~ (x) Adult aunts and uncles of the patient who are familiar with the patient; and

~~((x))~~ (xi) (A) An adult who:

(I) Has exhibited special care and concern for the patient;

(II) Is familiar with the patient's personal values;

(III) Is reasonably available to make health care decisions;

(IV) Is not any of the following: A physician to the patient or an employee of the physician; the owner, administrator, or employee of a health care facility, nursing home, or long-term care facility where the patient resides or receives care; or a person who receives compensation to provide care to the patient; and

(V) Provides a declaration under ~~(a) ((x))~~ (xi) (B) of this subsection.

(B) An adult who meets the requirements of ~~(a) ((x))~~ (xi) (A) of this subsection shall provide a declaration, which is effective for up to six months from the date of the declaration, signed and dated under penalty of perjury pursuant to ~~((RCW 9A.72.085))~~ chapter 5.50 RCW, that recites facts and circumstances demonstrating that he or she is familiar with the patient and that he or she:

(I) Meets the requirements of ~~(a) ((x))~~ (xi) (A) of this subsection;

(II) Is a close friend of the patient;

(III) Is willing and able to become involved in the patient's health care;

(IV) Has maintained such regular contact with the patient as to be familiar with the patient's activities, health, personal values, and morals; and

(V) Is not aware of a person in a higher priority class willing and able to provide informed consent to health care on behalf of the patient.

(C) A health care provider may, but is not required to, rely on a declaration provided under ~~(a) ((x))~~ (xi) (B) of this subsection. The health care provider or health care facility where services are rendered is immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration provided in compliance with ~~(a) ((x))~~ (xi) (B) of this subsection.

(b) If the health care provider seeking informed consent for proposed health care of the patient who is not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the

decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(d) No rights under Washington's death with dignity act, chapter 70.245 RCW, may be exercised through a person authorized to provide informed consent to health care on behalf of a patient not competent to consent under RCW 11.88.010(1)(e).

(e) For purposes of (a)(iii) of this subsection:

(i) A patient is presumed to have capacity, unless a health care provider reasonably determines the patient lacks capacity due to the patient's demonstrated inability to understand and appreciate the nature and consequences of designating an individual to make health care decisions on the patient's behalf as a result of a cognitive impairment. A patient is presumed not to have the capacity to make a health care designation if the patient has been determined to be incapacitated under RCW 11.125.090 or if the patient is an adult subject to a guardianship that includes health care decision making under RCW 11.88.010.

(ii) A patient may revoke a designation at any time by either a verbal expression or a signed and dated written statement expressing his or her intent to revoke. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person acting on behalf of the patient. The attending physician shall record the time, date, and place of revocation and the time, date, and place of revocation, if different, of when the physician received notification of the revocation.

(iii) A health care provider that relies upon the consent of an individual designated to provide care to a patient is immune from suit in any action, civil or criminal, or from professional or other disciplinary action for relying upon such consent unless the health care provider had actual knowledge of the patient's revocation of that designation at the time consent was obtained.

(2) Informed consent for health care, including mental health care, for a patient who is not competent, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a

person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b)(i) Informed consent for health care on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent may be obtained from a school nurse, school counselor, or homeless student liaison when:

(A) Consent is necessary for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The minor patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005; and

(C) The minor patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

(ii) A person authorized to consent to care under this subsection (2) (b) and the person's employing school or school district are not subject to administrative sanctions or civil damages resulting from the consent or nonconsent for care, any care, or payment for any care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2) (b).

(iii) Upon request by a health care facility or a health care provider, a person authorized to consent to care under this subsection (2) (b) must provide to the person rendering care a declaration signed and dated under penalty of perjury pursuant to chapter 5.50 RCW stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b) (i) of this subsection. The declaration must also include written notice of the exemption from liability under (b) (ii) of this subsection.

(c) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a) (v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient, or person claiming to be authorized to consent to the health care of the minor patient.

(d) A health care facility or a health care provider may, in its discretion, require documentation of a person's

claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

(e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient under (a) (v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

(4) A person who knowingly provides a false declaration under this section shall be subject to criminal penalties under chapter 9A.72 RCW.

Sec. 2. RCW 7.70.065 and 2020 c 312 s 705 are each amended to read as follows:

(1) Informed consent for health care for a patient who is a minor or, to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who has been placed under a guardianship under RCW 11.130.265 a minor or, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian of the patient, if any;

(ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(iii) The individual to whom the patient has designated to make health care decisions by orally or personally informing a physician, nurse practitioner, or physician assistant who then signs and enters a document with this information into the patient's health record, provided that the

physician, nurse practitioner, or physician assistant determines that the patient has capacity as defined in (e) of this subsection at the time of the designation and documents it in the patient's health record;

(iv) The patient's spouse or state registered domestic partner;

~~((iv))~~ (v) Children of the patient who are at least eighteen years of age;

~~((v))~~ (vi) Parents of the patient;

~~((vi))~~ (vii) Adult brothers and sisters of the patient;

~~((vii))~~ (viii) Adult grandchildren of the patient who are familiar with the patient;

~~((viii))~~ (ix) Adult nieces and nephews of the patient who are familiar with the patient;

~~((ix))~~ (x) Adult aunts and uncles of the patient who are familiar with the patient; and

~~((x))~~ (xi) (A) An adult who:

(I) Has exhibited special care and concern for the patient;

(II) Is familiar with the patient's personal values;

(III) Is reasonably available to make health care decisions;

(IV) Is not any of the following: A physician to the patient or an employee of the physician; the owner, administrator, or employee of a health care facility, nursing home, or long-term care facility where the patient resides or receives care; or a person who receives compensation to provide care to the patient; and

(V) Provides a declaration under ~~((x))~~ (xi) (B) of this subsection.

(B) An adult who meets the requirements of ~~((x))~~ (xi) (A) of this subsection shall provide a declaration, which is effective for up to six months from the date of the declaration, signed and dated under penalty of perjury pursuant to chapter 5.50 RCW, that recites facts and circumstances demonstrating that he or she is familiar with the patient and that he or she:

(I) Meets the requirements of ~~((x))~~ (xi) (A) of this subsection;

(II) Is a close friend of the patient;

(III) Is willing and able to become involved in the patient's health care;

(IV) Has maintained such regular contact with the patient as to be familiar with the patient's activities, health, personal values, and morals; and

(V) Is not aware of a person in a higher priority class willing and able to provide informed consent to health care on behalf of the patient.

(C) A health care provider may, but is not required to, rely on a declaration provided under ~~((x))~~ (xi) (B) of this subsection. The health care provider or health care facility where services are rendered is immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration provided in compliance with ~~((x))~~ (xi) (B) of this subsection.

(b) If the health care provider seeking informed consent for proposed health care of the patient who has been placed under a guardianship under RCW 11.130.265~~((7))~~ makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient who has been placed under a guardianship under RCW 11.130.265~~((7))~~ exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(d) No rights under Washington's death with dignity act, chapter 70.245 RCW, may be exercised through a person authorized to provide informed consent to health

care on behalf of a patient who is a minor or has been placed under a guardianship under RCW 11.130.265.

(e) For purposes of (a)(iii) of this subsection:

(i) A patient is presumed to have capacity, unless a health care provider reasonably determines the patient lacks capacity due to the patient's demonstrated inability to understand and appreciate the nature and consequences of designating an individual to make health care decisions on the patient's behalf as a result of a cognitive impairment. A patient is presumed not to have the capacity to make a health care designation if the patient has been determined to be incapacitated under RCW 11.125.090 or if the patient is an adult subject to a guardianship that includes health care decision making under RCW 11.130.265.

(ii) A patient may revoke a designation at any time by either a verbal expression or a signed and dated written statement expressing his or her intent to revoke. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person acting on behalf of the patient. The attending physician shall record the time, date, and place of revocation and the time, date, and place of revocation, if different, of when the physician received notification of the revocation.

(iii) A health care provider that relies upon the consent of an individual designated to provide care to a patient is immune from suit in any action, civil or criminal, or from professional or other disciplinary action for relying upon such consent unless the health care provider had actual knowledge of the patient's revocation of that designation at the time consent was obtained.

(2) Informed consent for health care, including mental health care, for a patient who is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following

classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b)(i) Informed consent for health care on behalf of a patient who is under the age of majority and who is not otherwise authorized to provide informed consent may be obtained from a school nurse, school counselor, or homeless student liaison when:

(A) Consent is necessary for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The minor patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005; and

(C) The minor patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

(ii) A person authorized to consent to care under this subsection (2)(b) and the

person's employing school or school district are not subject to administrative sanctions or civil damages resulting from the consent or nonconsent for care, any care, or payment for any care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2) (b).

(iii) Upon request by a health care facility or a health care provider, a person authorized to consent to care under this subsection (2) (b) must provide to the person rendering care a declaration signed and dated under penalty of perjury pursuant to chapter 5.50 RCW stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b) (i) of this subsection. The declaration must also include written notice of the exemption from liability under (b) (ii) of this subsection.

(c) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a) (v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient, or person claiming to be authorized to consent to the health care of the minor patient.

(d) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

(e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed

under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient under (a) (v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

(4) A person who knowingly provides a false declaration under this section shall be subject to criminal penalties under chapter 9A.72 RCW.

NEW SECTION. Sec. 3. Section 1 of this act expires January 1, 2022.

NEW SECTION. Sec. 4. Section 2 of this act takes effect January 1, 2022."

Correct the title.

Representatives Riccelli and Walsh spoke in favor of the adoption of the striking amendment.

Representative Abbarno moved the adoption of amendment (395) to the striking amendment (387):

On page 1, beginning on line 20 of the striking amendment, after "assistant" strike all material though "record" on line 25 and insert "as outlined in (e) of this subsection"

On page 4, beginning on line 1 of the striking amendment, after "(ii)" strike all material through "revocation." on line 8 and insert "The physician, nurse practitioner, or physician assistant to whom a health care surrogate designation has been communicated must enter a document with this information into the patient's health care record, provided that the physician, nurse practitioner, or physician assistant determines that the patient has capacity at the time of the designation and documents it in the patient's health record. The designation must be signed by the patient, unless the physician, nurse practitioner, or physician assistant determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the designation orally."

(iii) A designation may be revoked by the patient at any time, in the following methods:

(A) A written revocation by the patient expressing his or her intent to

revoke, signed and dated by the patient. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person acting on behalf of the patient. The attending physician shall record in the patient's medical record the time and date when the physician received notification of the written revocation.

(B) A verbal expression by the patient of his or her intent to revoke the designation. Such designation shall become effective only upon communication to the attending physician by the patient. The attending physician shall record in the patient's medical record the time, date, and place of the revocation and shall obtain a signature from the patient, unless the physician determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the revocation orally."

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

On page 7, beginning on line 6 of the striking amendment, after "assistant" strike all material through "record" on line 11 and insert "as outlined in (e) of this subsection"

On page 9, beginning on line 16 of the striking amendment, after "(ii)" strike all material through "revocation." on line 23 and insert "The physician, nurse practitioner, or physician assistant to whom a health care surrogate designation has been communicated must enter a document with this information into the patient's health care record, provided that the physician, nurse practitioner, or physician assistant determines that the patient has capacity at the time of the designation and documents it in the patient's health record. The designation must be signed by the patient, unless the physician, nurse practitioner, or physician assistant determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the designation orally.

(iii) A designation may be revoked by the patient at any time, in the following methods:

(A) A written revocation by the patient expressing his or her intent to revoke, signed and dated by the patient. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person

acting on behalf of the patient. The attending physician shall record in the patient's medical record the time and date when the physician received notification of the written revocation.

(B) A verbal expression by the patient of his or her intent to revoke the designation. Such designation shall become effective only upon communication to the attending physician by the patient. The attending physician shall record in the patient's medical record the time, date, and place of the revocation and shall obtain a signature from the patient, unless the physician determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the revocation orally."

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

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

Amendment (395) to the striking amendment (387) was adopted.

Representative Gilday moved the adoption of amendment (404) to the striking amendment (387):

On page 3, line 31 of the striking amendment, after "(i)" insert "An employee of the medical facility where the patient is receiving care is prohibited from serving as a designated health care surrogate.

(ii)"

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

On page 9, line 6 of the striking amendment, after "(i)" insert "An employee of the medical facility where the patient is receiving care is prohibited from serving as a designated health care surrogate.

(ii)"

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

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

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (404) and the amendment was adopted 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, Jinkins, Johnson, J., 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, and Young

Representative Walsh moved the adoption of amendment (391) to the striking amendment (387):

On page 4, after line 14 of the striking amendment, insert the following:

"(iv) A health care provider is immune from suit in any civil action arising from the designation or revocation of a health care surrogate. However, this immunity does not apply to an act or omission made in bad faith or that involves gross negligence."

On page 9, after line 29 of the striking amendment, insert the following:

"(iv) A health care provider is immune from suit in any civil action arising from the designation or revocation of a health care surrogate. However, this immunity does not apply to an act or omission made in bad faith or that involves gross negligence or willful and wanton misconduct."

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

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

Amendment (391) to the striking amendment (387) was not adopted.

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

Striking amendment (387) as amended, was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1197.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1197, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; 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, 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, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Jacobsen, Klippert, Kraft, McCaslin and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of SECOND SUBSTITUTE HOUSE BILL NO. 1139 on second reading.

Representative Pollet spoke in favor of the adoption of amendment (342).

Amendment (342) was adopted.

Representative Walsh moved the adoption of amendment (405):

On page 7, after line 18, insert the following:

"NEW SECTION. Sec. 8. Notwithstanding RCW 43.06.220(2)(g), no portion of this act may be waived or suspended by the Governor during a proclaimed state of emergency."

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

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (405).

SPEAKER'S RULING

"The bill before us requires schools to test drinking water for lead contamination.

The amendment addresses a separate and distinct subject, the governor's authority to waive or suspend statutory provisions during a state of emergency.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the underlying bill.

The point of order is well taken."

The bill was ordered engrossed.

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

Representatives Pollet, Rude, McCaslin and Kraft 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 Second Substitute House Bill No. 1139.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1139, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; 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, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Hoff, McEntire and Walsh.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1139, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1227, by Representatives Ortiz-Self, Callan, Senn, Dolan, Fitzgibbon, Ramos, Davis, Santos, Macri, Gregerson, Young and Ormsby

Protecting the rights of families responding to allegations of abuse or neglect of a child.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1227 was substituted for House Bill No. 1227 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1227 was read the second time.

Representative Klippert moved the adoption of amendment (271):

On page 1, beginning on line 16, after "and" strike all material through "system" on line 17 and insert "ensure every child in Washington state is treated equally under the law regardless of race, creed, color, national origin, or sex"

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

Representative Senn spoke against the adoption of the amendment.

Amendment (271) was not adopted.

Representative Klippert moved the adoption of amendment (272):

On page 4, line 20, after "from" insert "recklessness,"

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

Representative Senn spoke against the adoption of the amendment.

Amendment (272) was not adopted.

Representative Ortiz-Self moved the adoption of amendment (365):

On page 4, line 37, after "establish" strike "by a preponderance of the evidence" and insert "that there are reasonable grounds to believe"

On page 13, beginning on line 31, after "finds" strike all material through

"evidence" on line 32 and insert "there is reasonable cause to believe"

On page 15, line 2, after "establishes" strike "by a preponderance of the evidence" and insert "that there is reasonable cause to believe"

Representative Ortiz-Self spoke in favor of the adoption of the amendment.

Representatives Dent and McCaslin spoke against the adoption of the amendment.

Amendment (365) was adopted.

Representative Klippert moved the adoption of amendment (273):

On page 14, line 7, after "poverty," strike "isolation,"

On page 14, line 8, after "crowded" strike "or inadequate housing, substance abuse" and insert "housing"

On page 14, line 9, after "exposure," strike "mental illness,"

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

Representative Thai spoke against the adoption of the amendment.

Amendment (273) was not adopted.

The bill was ordered engrossed.

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

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

Representative 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 Second Substitute House Bill No. 1227.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1227, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

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

Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, 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, 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 Boehnke, Chandler, Chase, Dufault, Dye, Graham, Klippert, McCaslin and Schmick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1227, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1034, by Representatives Fitzgibbon, Cody, Ortiz-Self and Wylie

Concerning park and recreation district levies.

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 Fitzgibbon spoke in favor of the passage of the bill.

Representatives Robertson and Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1034.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1034, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1034, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1438, by Representatives Orcutt, Sutherland, Graham, Young, Volz and Eslick

Expanding eligibility for property tax exemptions for service-connected disabled veterans and senior citizens by modifying income thresholds for eligibility to allow deductions for common health care-related expenses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1438 was substituted for House Bill No. 1438 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1438 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 Orcutt and Wylie spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1438.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1438, 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 HOUSE BILL NO. 1438, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1495, by Representatives Chapman, Robertson and Dent

Providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax.

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 Chapman and Robertson 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 House Bill No. 1495.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1495, 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.

HOUSE BILL NO. 1495, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., March 5, 2021, the 54th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 5, 2021

The House was called to order at 9:00 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 April Berg, 44th Legislative District.

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

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

INTRODUCTION & FIRST READING

HB 1551 by Representatives Maycumber, Fitzgibbon, Gilday, Robertson, Orcutt, Chandler, Abbarno, Dent, Eslick, Sutherland, Corry, Boehnke, Goehner, Klicker, Walsh, Graham, Mosbrucker, Schmick, Dye, Chambers, Wylie, Barkis, Duerr, Pollet, Young and Volz

AN ACT Relating to removing the usage of forced labor by children and other workers in Washington state's transportation domestic fuel market by placing conditions on the sourcing of transportation fuel; adding new sections to chapter 90.56 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

2SSB 5000 by Senate Committee on Ways & Means (originally sponsored by Hawkins, Lovelett, Billig, Braun, Carlyle, Conway, Das, Erickson, Fortunato, Gildon, Hasegawa, Holy, Hunt, King, Kuderer, Mullet, Muzzall, Nguyen, Padden, Pedersen, Rivers, Robinson, Salomon, Sheldon, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson and J.)

AN ACT Relating to hydrogen fuel cell electric vehicles; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Transportation.

2SSB 5062 by Senate Committee on Ways & Means (originally sponsored by Carlyle, Nguyen, Billig, Darneille, Das, Dhingra, Holy, Hunt, Lovelett,

Mullet, Pedersen, Salomon, Sheldon, Wellman, Wilson and C.)

AN ACT Relating to the management, oversight, and use of data; adding a new section to chapter 42.56 RCW; adding a new section to chapter 44.28 RCW; adding new chapters to Title 19 RCW; adding a new chapter to Title 43 RCW; creating new sections; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5152 by Senate Committee on Transportation (originally sponsored by Nguyen, Rivers, Carlyle, Das, Kuderer, Muzzall, Saldaña, Wilson and C.)

AN ACT Relating to enhancing data stewardship and privacy protections for vehicle and driver data by clarifying the allowable uses of personal or identity information, prescribing penalties for data misuse, and codifying existing data contract practices; amending RCW 46.12.630, 46.12.635, 46.12.640, and 46.52.130; adding new sections to chapter 46.04 RCW; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Transportation.

ESSB 5191 by Senate Committee on Law & Justice (originally sponsored by Darneille, King, Billig, Carlyle, Conway, Das, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nguyen, Nobles, Randall, Salomon, Stanford, Wilson and C.)

AN ACT Relating to regulating unfair business practices and prohibiting predatory price increases during states of emergency; adding a new chapter to Title 19 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

SSB 5210 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Dhingra, Darneille, Kuderer, Nguyen, Wilson and C.)

AN ACT Relating to updates to competency restoration order requirements; and amending RCW 10.77.086 and 10.77.088.

Referred to Committee on Civil Rights & Judiciary.

SSB 5214 by Senate Committee on Ways & Means (originally sponsored by Nguyen, Dhingra, Darneille, Das, Frockt, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nobles, Robinson, Stanford, Wilson and C.)

AN ACT Relating to economic assistance programs; amending RCW 74.08A.010; and creating a new section.

Referred to Committee on Appropriations.

ESSB 5227 by Senate Committee on Ways & Means (originally sponsored by Randall, Nobles, Das, Lovelett, Wilson, C., Hasegawa, Hunt, Keiser, Kuderer, Liias, Nguyen and Stanford)

AN ACT Relating to diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education; adding new sections to chapter 28B.10 RCW; and creating new sections.

Referred to Committee on Appropriations.

SB 5242 by Senators Liias, Short, Frockt, Hunt, Keiser, Nguyen, Saldaña, Wilson and C.

AN ACT Relating to supporting media literacy and digital citizenship; adding new sections to chapter 28A.300 RCW; and providing expiration dates.

Referred to Committee on Appropriations.

ESSB 5245 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Brown, Wilson, L., Rolfes and Wagoner)

AN ACT Relating to the safety of crime victims; and amending RCW 72.09.712.

Referred to Committee on Public Safety.

SSB 5249 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Nobles, Das, Dhingra, Hasegawa, Kuderer, Nguyen, Saldaña, Wilson and C.)

AN ACT Relating to supporting mastery-based learning; amending RCW 28A.655.260; amending 2019 c 252 s 301 (uncodified); creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5253 by Senate Committee on Ways & Means (originally sponsored by Liias, Warnick, Das, Dhingra, Hasegawa, Hunt, Lovelett, Rolfes, Saldaña, Van De Wege and Wagoner)

AN ACT Relating to implementing the recommendations of the pollinator health task force; amending RCW 43.23.300, 17.24.081, 77.12.058, and 89.08.620; adding a new section to chapter 43.23 RCW; adding a new section to chapter 17.21 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 89.08 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 5265 by Senate Committee on Ways & Means (originally sponsored by Hunt, Das, Nguyen, Wellman, Wilson and C.)

AN ACT Relating to the creation of a bridge year pilot program; amending RCW 28A.600.290 and 28A.600.330; reenacting and amending RCW 28A.600.310; adding new sections to chapter 28A.630 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

SB 5299 by Senators Wellman, Kuderer, Hunt, Mullet, Nguyen, Wilson and C.

AN ACT Relating to the use of computer science credits for the purpose of graduation requirements; and amending RCW 28A.230.300.

Referred to Committee on Education.

SSB 5318 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick)

AN ACT Relating to fertilizer fees; and amending RCW 15.54.275, 15.54.325, 15.54.350, and 15.54.362.

Referred to Committee on Appropriations.

ESB 5328 by Senators Lovelett, Dhingra, Darneille, Das, Frockt, Nguyen, Nobles, Wilson and C.

AN ACT Relating to clubhouses for persons with mental illness; reenacting and amending RCW 71.24.385; and creating new sections.

Referred to Committee on Health Care & Wellness.

SSB 5417 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by King, Conway, Nguyen, Randall, Wilson and C.)

AN ACT Relating to extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic; amending RCW 66.24.175, 66.24.630, and 82.08.150; adding a new section to

chapter 66.08 RCW; creating new sections; making an appropriation; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

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

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

SECOND READING

HOUSE BILL NO. 1099, by Representatives Duerr, Fitzgibbon, Dolan, Bateman, Ramel, Gregerson, Goodman, Ryu, Kloba, Chopp, Ormsby, Pollet, Fey, Santos and Davis

Improving the state's climate response through updates to the state's comprehensive planning framework.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1099 was substituted for House Bill No. 1099 and the second substitute bill was placed on the second reading calendar.

With the consent of the House, amendment (326) was withdrawn.

SECOND SUBSTITUTE HOUSE BILL NO. 1099 was read the second time.

Representative Duerr moved the adoption of striking amendment (341):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040 and, where specified, also guide the development of regional policies, plans, and strategies adopted under RCW 36.70A.210 and chapter 47.80 RCW. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans ~~((and))~~, development regulations, and, where specified, regional plans, policies, and strategies:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that help achieve statewide targets for the reduction of greenhouse gas emissions and per capita vehicle miles traveled, and are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space and greenspace, enhance recreational opportunities, ~~((conserve))~~ enhance fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

(14) Climate change. Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of a changing climate, support state greenhouse gas emissions reduction requirements and state per capita vehicle miles traveled goals, prepare for climate impact scenarios, foster resiliency to climate impacts and natural hazards, and protect and enhance environmental, economic, and human health and safety.

Sec. 2. RCW 36.70A.480 and 2010 c 107 s 2 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the ~~((fourteen))~~ 15 goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or

city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3)(a) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(b) Except as otherwise provided in (c) of this subsection, development regulations adopted under this chapter to protect critical areas within shorelines of the state apply within shorelines of the state until the department of ecology approves one of the following: A comprehensive master program update, as defined in RCW 90.58.030; a segment of a master program relating to critical areas, as provided in RCW 90.58.090; or a new or amended master program approved by the department of ecology on or after March 1, 2002, as provided in RCW 90.58.080. The adoption or update of development regulations to protect critical areas under this chapter prior to department of ecology approval of a master program update as provided in this subsection is not a comprehensive or segment update to the master program.

(c)(i) Until the department of ecology approves a master program or segment of a master program as provided in (b) of this subsection, a use or structure legally located within shorelines of the state that was established or vested on or before the effective date of the local government's development regulations to protect critical areas may continue as a conforming use and may be redeveloped or modified if: (A) The redevelopment or modification is consistent with the local government's master program; and (B) the local government determines that the proposed redevelopment or modification will result in no net loss of shoreline

ecological functions. The local government may waive this requirement if the redevelopment or modification is consistent with the master program and the local government's development regulations to protect critical areas.

(ii) For purposes of this subsection (3)(c), an agricultural activity that does not expand the area being used for the agricultural activity is not a redevelopment or modification. "Agricultural activity," as used in this subsection (3)(c), has the same meaning as defined in RCW 90.58.065.

(d) Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in chapter 321, Laws of 2003 or chapter 107, Laws of 2010 is intended to affect whether or to what extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

(e) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060.

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW

36.70A.030(~~(4)~~) (6) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(~~(f)~~) (d), then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2).

NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW to read as follows:

(1) The requirements of the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070(9) apply only to those counties that are required or that choose to plan under RCW 36.70A.040 and that also meet either of the criteria set forth in (a) or (b) of this subsection (1) on or after January 1, 2021, and the cities with populations greater than 6,000 as of January 1, 2021, within those counties:

(a) A county with a population density of at least 100 people per square mile and a population of at least 200,000; or

(b) A county with a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management.

(2) The requirements of the amendments to the transportation element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) of this section; and (b) cities with populations of 6,000 or greater as of January 1, 2021, that are located in a county that is required or that chooses to plan under RCW 36.70A.040.

(3) The requirements of the amendments to the land use element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) or (2) of this section; and (b) counties that have a population of 20,000 or greater as of January 1, 2021, and that are required or that choose to plan under RCW 36.70A.040.

(4) The requirements of the amendments to the rural element of RCW 36.70A.070

set forth in this act apply only to counties that are required or that choose to plan under RCW 36.70A.040 and that have a population of 20,000 or greater as of January 1, 2021.

(5) Once a county meets either of the sets of criteria set forth in subsection (1) of this section, the requirement to conform with the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 remains in effect, even if the county no longer meets one of these sets of criteria.

(6) If the population of a county that previously had not been required to conform with the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 changes sufficiently to meet either of the sets of criteria set forth in subsection (1) of this section, the county, and the cities with populations greater than 6,000 as of January 1, 2021, within that county, shall adopt a greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 at the next scheduled update of the comprehensive plan as set forth in RCW 36.70A.130.

(7) The population criteria used in this section must be based on population data as determined by the office of financial management.

Sec. 4. RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd sp.s. c 16 s 4 are each reenacted and amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open

spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. The land use element should give special consideration to achieving environmental justice in its goals and policies. In addition, the land use element must avoid creating or worsening environmental health disparities. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity and reduce per capita vehicle miles traveled within the jurisdiction, but without increasing greenhouse gas emissions elsewhere in the state. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. The land use element must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools, which may include reducing residential development pressure in the wildland urban interface area.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community. In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and

evaluation reports and any reasonable measures identified.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will

accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; ~~(and)~~

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170; and

(vi) Protecting existing natural areas, including native forests, grasslands, wetlands, and riparian areas, but excluding forestland, as that term is defined in RCW 84.33.035, and timberland, as that term is defined in RCW 84.34.020.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5) (d) (i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(~~(+16)~~) (20). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(~~(+16)~~) (20). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist ~~((the department of transportation))~~ in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments, active transportation facilities, and general aviation airport facilities, to define existing capital facilities and travel levels ~~((as a basis for))~~ to inform future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials ~~((and))~~, locally and regionally operated transit routes that serve urban growth areas, and active transportation facilities to serve as a gauge to judge performance of the system and success in helping to achieve the goals of this chapter at the least cost. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, active transportation, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the

concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance ~~((locally owned))~~ transportation facilities or services that are below an established level of service standard;

(E) Forecasts of ~~((traffic))~~ multimodal transportation demand and needs within cities and urban growth areas, and forecasts of traffic demand and needs outside of cities and urban growth areas, for at least ten years based on the adopted land use plan to ~~((provide information on the location, timing, and capacity needs of future growth))~~ inform the development of a transportation element that balances transportation system safety and convenience to accommodate all users of the transportation system to safely, reliably, and efficiently provide access and mobility to people and goods;

(F) Identification of state and local system needs to equitably meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW. Local system needs should reflect the regional transportation system, local goals, and strive to equitably implement the multimodal network;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting the identified needs of the transportation system, including state transportation facilities, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) ~~((Pedestrian and bicycle))~~ Active transportation component to include collaborative efforts to identify and designate planned improvements for ~~((pedestrian and bicycle))~~ active transportation facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city. If it is possible to provide for the transportation needs of a development through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development, a development approval may not be denied

because it fails to meet traffic level of service standards.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) A climate change and resiliency element that is designed to result in reductions in overall greenhouse gas emissions and that must enhance resiliency to and avoid the adverse impacts of climate change. The greenhouse gas emissions reduction subelement of the climate change and resiliency element is mandatory for the jurisdictions specified in section 3(1) of this act and is encouraged for all other jurisdictions, including those planning under RCW 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency subelement of the climate change and resiliency element is mandatory for all jurisdictions planning under RCW 36.70A.040 and is encouraged for those jurisdictions planning under chapter 36.70 RCW.

(a)(i) The greenhouse gas emissions reduction subelement of the comprehensive plan, and its related development regulations, must identify the actions the jurisdiction will take during the planning cycle consistent with the guidelines published by the

department pursuant to section 5 of this act that will:

(A) Result in reductions in overall greenhouse gas emissions generated by the transportation and land use systems within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state;

(B) Result in reductions in per capita vehicle miles traveled within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state; and

(C) Prioritize reductions in communities that experience disproportionate impacts and harm due to air pollution in order to maximize the cobenefits of reduced air pollution.

(ii) Actions not specifically identified in the guidelines developed by the department pursuant to section 5 of this act may be considered to be consistent with those guidelines only if:

(A) They are projected to achieve greenhouse gas emissions reductions or per capita vehicle miles traveled reductions equivalent to what would be required of the jurisdiction under the guidelines adopted by the department; and

(B) They are supported by scientifically credible projections and scenarios that indicate their adoption is likely to result in reductions of greenhouse gas emissions or per capita vehicle miles traveled consistent with the reduction requirements set forth in RCW 70A.45.020.

(iii) A jurisdiction may not restrict population growth or limit population allocation in order to achieve the requirements set forth in this subsection (9) (a).

(b) (i) The resiliency subelement must equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change on people, property, and ecological systems through goals, policies, and programs consistent with the best available science and scientifically credible climate projections and impact scenarios that moderate or avoid harm, enhance the resiliency of natural and human systems, and enhance beneficial opportunities. The resiliency subelement must prioritize actions in communities that will disproportionately suffer from compounding environmental impacts and

will be most impacted by natural hazards due to climate change. A natural hazard mitigation plan or similar plan that is guided by RCW 36.70A.020(14) and complies with the applicable requirements of this act, including the requirements set forth in this subsection (9) (b), may be adopted by reference to satisfy those requirements. Specific goals, policies, and programs of the resiliency subelement must include, but are not limited to, those designed to:

(A) Identify, protect, and enhance natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration; and

(B) Address natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfire, and other effects of changes to temperature and precipitation patterns.

(ii) If a county or city intends to incorporate by reference a federal emergency management agency natural hazard mitigation plan in order to meet the requirement of the resiliency subelement set forth in this subsection (9) (b), and the natural hazard mitigation plan is not adopted within three years prior to the required update set forth in RCW 36.70A.130 but is intended to be adopted no later than two years after the required update set forth in RCW 36.70A.130, the county or city may be granted an extension to meeting the requirements of this subsection (9) (b) by providing notice to the department. If a county or city incorporates by reference a federal emergency management agency natural hazard mitigation plan in order to meet the requirement of this subsection (9) (b), the plan must be guided by RCW 36.70A.020(14) and must comply with the requirements of this act, including the requirements set forth in this subsection (9) (b).

(c) For the jurisdictions set forth in section 3 of this act, updates to comprehensive plans and related development regulations made during the update cycle that begins in 2024 must adopt measures identified by the department pursuant to section 5 of this act that are likely to result in reductions of greenhouse gas emissions and per capita vehicle miles traveled.

(d) The adoption of ordinances, amendments to comprehensive plans,

amendments to development regulations, and other nonproject actions taken by a county or city pursuant to (a) or (c) of this subsection in order to implement measures specified by the department pursuant to section 5 of this act are not subject to administrative or judicial appeal under chapter 43.21C RCW.

~~((9))~~ (10) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

NEW SECTION. Sec. 5. A new section is added to chapter 70A.45 RCW to read as follows:

(1) The department of commerce, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that specify a set of measures counties and cities have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce greenhouse gas emissions in order to achieve the statewide greenhouse gas emissions reductions set forth in RCW 70A.45.020(1), allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions in communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities. The guidelines must be based on:

(a) The most recent greenhouse gas emissions report prepared by the department of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(b) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035; and

(c) The locations of major employment centers and transit corridors, for the

purpose of increasing housing supply in these areas.

(2) The department of commerce, in consultation with the department of transportation, shall publish guidelines that specify a set of measures counties and cities have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

The guidelines must be based on:

(a) The most recent greenhouse gas emissions report prepared by the department of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(b) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035; and

(c) The most recent summary of per capita vehicle miles traveled as compiled by the department of transportation.

(3) The department of commerce shall first publish the full set of guidelines described in subsections (1) and (2) of this section no later than December 31, 2025. The department of commerce shall update these guidelines at least every four years thereafter based on the most recently available data, and shall provide for a process for local governments and other parties to submit alternative actions for consideration for inclusion into the guidelines at least once per year. The department of commerce shall publish an intermediate set of guidelines no later than December 31, 2022, in order to be available for use by jurisdictions whose periodic updates are required by RCW 36.70A.130(5) to occur prior to December 31, 2025.

(4) In any updates to the guidelines published after 2025, the department of commerce shall include a determination of whether adequate progress has been made toward the statewide greenhouse gas and per capita vehicle miles traveled reduction goals. If adequate progress is not being made, the department must identify in the guidelines what additional measures cities and counties must take in order to make further progress.

(5) The department of commerce may not propose or adopt any guidelines that would include any form of a road usage charge or any fees or surcharges related to vehicle miles traveled.

(6) The department of commerce may not propose or adopt any guidelines that would direct or require local governments to regulate or tax, in any form, transportation service providers, delivery vehicles, or passenger vehicles.

(7) The department of commerce, in the course of implementing this section, shall provide and prioritize options that support housing diversity and that assist counties and cities in meeting greenhouse gas emissions reduction and other requirements established under this chapter.

NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A greenhouse gas emissions reduction subelement required by RCW 36.70A.070 becomes effective when approved by the department as provided in this section. The department shall strive to achieve final action on a submitted greenhouse gas emissions reduction subelement within 180 days of receipt and shall post an annual assessment related to this performance benchmark on the agency website.

(2) Upon receipt of a proposed greenhouse gas emissions reduction subelement, the department shall:

(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed greenhouse gas emissions reduction subelements. The comment period shall be at least 30 days, unless the department determines that the level of complexity or controversy involved supports a shorter period;

(b) In the department's discretion, conduct a public hearing during the 30-day comment period in the jurisdiction proposing the greenhouse gas emissions reduction subelement;

(c) Within 15 days after the close of public comment, request the local government to review the issues identified by the public, interested

parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;

(d) Within 30 days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 36.70A.070 and, after they are adopted, the applicable guidelines adopted by the department pursuant to section 5 of this act and any reduction allocations made pursuant to RCW 36.70A.100, provide a response to the issues identified in (c) of this subsection, and either approve the greenhouse gas emissions reduction subelement as submitted, recommend specific changes necessary to make the greenhouse gas emissions reduction subelement approvable, or deny approval of the greenhouse gas emissions reduction subelement in those instances where no alteration of the greenhouse gas emissions reduction subelement appears likely to be consistent with the policy of RCW 36.70A.070 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, and made available to all interested persons, parties, groups, and agencies of record on the proposal;

(e) If the department recommends changes to the proposed greenhouse gas emissions reduction subelement, within 90 days after the department mails the written findings and conclusions to the local government, require the local government to:

(i) Agree to the proposed changes by written notice to the department; or

(ii) Submit an alternative greenhouse gas emissions reduction subelement. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide notice to all recipients of the written findings and conclusions. If the department determines the proposed greenhouse gas emissions reduction subelement is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposed greenhouse gas emissions reduction subelement for public and agency review pursuant to this section or reject the proposed greenhouse gas emissions reduction subelement.

(3) The department shall approve a proposed greenhouse gas emissions reduction subelement unless it determines that the proposed greenhouse gas emissions reduction subelement is not consistent with the policy of RCW 36.70A.070 and, after they are adopted, the applicable guidelines.

(4) A greenhouse gas emissions reduction subelement takes effect when and in such form as approved or adopted by the department. The effective date is 14 days from the date of the department's written notice of final action to the local government stating the department has approved or rejected the proposed greenhouse gas emissions reduction subelement. The department's written notice to the local government must conspicuously and plainly state that it is the department's final decision and that there will be no further modifications to the proposed greenhouse gas emissions reduction subelement. The department shall maintain a record of each greenhouse gas emissions reduction subelement, the action taken on any proposed greenhouse gas emissions reduction subelement, and any appeal of the department's action. The department's approved document of record constitutes the official greenhouse gas emissions reduction subelement.

(5) Promptly after approval or disapproval of a local government's greenhouse gas emissions reduction subelement, the department shall publish a notice consistent with RCW 36.70A.290 that the greenhouse gas emissions reduction subelement has been approved or disapproved. This notice must be filed for all greenhouse gas emissions reduction subelements.

(6) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed according to the following provisions:

(a) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(b) A decision of the growth management hearings board concerning an appeal of the department's final decision

to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment must be based solely on whether or not the adopted or amended greenhouse gas emissions reduction subelement, any adopted amendments to other elements of the comprehensive plan necessary to carry out the subelement, and any adopted or amended development regulations necessary to implement the subelement, comply with the goal set forth in RCW 36.70A.020(14) as it applies to greenhouse gas emissions reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(b), the guidelines adopted under section 5 of this act applicable to the greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

Sec. 7. RCW 36.70A.320 and 1997 c 429 s 20 are each amended to read as follows:

(1) Except as provided in subsections (5) and (6) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.

(2) Except as otherwise provided in subsection (4) of this section, the burden is on the petitioner to demonstrate that any action taken by a state agency, county, or city under this chapter is not in compliance with the requirements of this chapter.

(3) In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter.

(4) A county or city subject to a determination of invalidity made under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that the ordinance or resolution it has enacted in response to the determination of invalidity will no longer substantially interfere with the fulfillment of the goals of this chapter under the standard in RCW 36.70A.302(1).

(5) The shoreline element of a comprehensive plan and the applicable

development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

(6) The greenhouse gas emissions reduction subelement required by RCW 36.70A.070 shall take effect as provided in section 6 of this act.

Sec. 8. RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education

and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

(7) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, and adopt by rule guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies required by RCW 36.70A.070(9), subject to the following provisions:

(a) The model element must establish minimum requirements or include model options for fulfilling the requirements of RCW 36.70A.070(9);

(b) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting and enhancing natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(c) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of

reasonably anticipated changes to temperature and precipitation patterns; and

(d) The rule must recognize and promote as many cobenefits of climate resilience as possible such as salmon recovery, forest health, and ecosystem services.

NEW SECTION. Sec. 9. A new section is added to chapter 47.80 RCW to read as follows:

The department shall compile, maintain, and publish a summary of the per capita vehicle miles traveled annually in each city in the state, and in the unincorporated portions of each county in the state.

NEW SECTION. Sec. 10. A new section is added to chapter 90.58 RCW to read as follows:

The department shall update its shoreline master program guidelines to require shoreline master programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment.

Sec. 11. RCW 36.70A.030 and 2020 c 173 s 4 are each amended to read as follows:

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

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(6) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

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

(8) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(9) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income

adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(10) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(11) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

(12) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(13) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(14) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(15) "Minerals" include gravel, sand, and valuable metallic substances.

(16) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

(17) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(18) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(19) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(20) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(21) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(22) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(23) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

(24) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(25) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(26) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(27) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(28) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands

intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

(29) "Per capita vehicle miles traveled" means the number of miles traveled using cars and light trucks in a calendar year divided by the number of residents in Washington. The calculation of this value excludes vehicle miles driven conveying freight.

(30) "Active transportation" means forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric assist bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation.

(31) "Transportation system" means all infrastructure and services for all forms of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider.

(32) "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies; with a focus on the equitable distribution of resources, benefits, and burdens in a manner that prioritizes communities that experience the greatest inequities, disproportionate impacts, and have the greatest unmet needs.

(33) "Active transportation facilities" means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes,

shared-use paths, and other facilities in the public right-of-way.

Sec. 12. RCW 86.12.200 and 1991 c 322 s 3 are each amended to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; (~~and~~)

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems

by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW; and

(6) Consideration of climate change impacts, including the impact of sea level rise and increased storm severity on people, property, natural resources, and the environment.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific floodplain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to floodplain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

NEW SECTION. Sec. 13. A new section is added to chapter 43.21C RCW to read as follows:

The adoption of ordinances, amendments to comprehensive plans, amendments to development regulations, and other nonproject actions taken by a county or city pursuant to RCW 36.70A.070 (9) (a) or (c) in order to implement measures specified by the department of commerce pursuant to section 5 of this act are not subject to administrative or judicial appeals under this chapter.

NEW SECTION. Sec. 14. (1) The obligation of local governments to comply with the requirements established in: (a) The amendments to RCW 36.70A.070 set forth in this act; and (b) the updated shoreline master program guidelines adopted pursuant to section 10 of this act, is contingent on the provision of state funding to local governments for the specific purpose of complying with these requirements.

(2) The obligation of local governments to comply with the requirements established in: (a) The amendments to RCW 36.70A.070 set forth in this act; and (b) the updated shoreline master program guidelines adopted

pursuant to section 10 of this act, takes effect two years after the date the legislature appropriates state funding to provide to local governments for the purpose of complying with these requirements.

NEW SECTION. Sec. 15. 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."

Correct the title.

Representative Dye moved the adoption of amendment (394) to the striking amendment (341):

On page 2, beginning on line 39, after "support" strike "state greenhouse gas emissions reduction requirements and"

On page 15, beginning on line 19, after "traveled" strike "consistent with the reduction requirements set forth in RCW 70A.45.020"

On page 17, beginning on line 10, after "emissions" strike all material through "programs" on line 14

On page 18, beginning on line 16, strike all of subsection (4)

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

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

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

Amendment (394) to the striking amendment (341), was not adopted.

Representative Dye moved the adoption of amendment (402) to the striking amendment (341):

On page 14, beginning on line 36, after "cycle" strike all material through "act" on line 37

On page 15, at the beginning of line 9, strike all material through "70A.45.020." on line 20

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

On page 16, at the beginning of line 26, strike "identified by the department pursuant to section 5 of this act"

On page 16, beginning on line 32, after "subsection" strike all material through "act" on line 33

Beginning on page 17, line 3, after "**Sec. 5.**" strike all material through "chapter." on page 18, line 34, and insert "(1) The department of commerce, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish a report that identifies steps that local governments may take through the adoption of comprehensive plans that will lead to reductions in greenhouse gas emissions and per capita vehicle miles traveled.

(2) The report must be based on, at a minimum:

(a) The most recent greenhouse gas emissions report prepared by the department of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(b) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035; and

(c) The most recent summary of per capita vehicle miles traveled as compiled by the department of transportation.

(3) The department of commerce must submit its report to the appropriate committees of the legislature no later than October 15, 2022, in order to inform possible legislative responses during the 2023 legislative session."

On page 19, beginning on line 24, after "36.70A.070" strike all material through "act" on line 26

On page 21, beginning on line 21, after "36.70A.070(9)(b)," strike all material through "subelement," on line 23

Beginning on page 31, line 39, after "(c)" strike all material through "act" on page 32, line 2

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

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

Amendment (402) to the striking amendment (341), was not adopted.

Representative Dye moved the adoption of amendment (392) to the striking amendment (341):

On page 15, after line 23, insert the following:

"(iv) The greenhouse gas emissions reduction subelement must, after collaboration with affected school districts, reduce greenhouse gas emissions by identifying actions to reduce the per-pupil miles traveled via school bus to and from school. Actions that may be identified pursuant to this subsection include, but are not limited to, increased walkability, amendments to zoning ordinances, amendments to development regulations, and a focus on locating schools within or near to new housing developments."

Representatives Dye, Ybarra, Graham, Wilcox and Dye (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Ramel and Santos spoke against the adoption of the amendment to the striking amendment.

Amendment (392) to the striking amendment (341), was not adopted.

Representative Fitzgibbon moved the adoption of amendment (406) to the striking amendment (341):

On page 15, after line 23, insert the following:

"(iv) (A) Until December 31, 2034, actions not specifically identified in the guidelines developed by the department pursuant to section 5 of this act, or considered to be consistent with those guidelines according to the process established in (a)(ii) of this subsection (9), must still be considered to be sufficient to meet the requirements of the greenhouse gas emissions reduction subelement, and must be approved by the department pursuant to section 6 of this act, if the actions provide for the authorization of the development of middle housing types."

(B) Nothing in this subsection (9)(a)(iv) prohibits the authorization of the development of single-family residences.

(C) For the purposes of this subsection (9)(a)(iv), "middle housing types" means accessory dwelling units and

at least one of the following housing types: Duplexes; triplexes; or quadplexes, in all zoning districts within an urban growth area that permit detached single-family residences.

(D) For the purposes of this subsection (9) (a) (iv), an action must be deemed to provide for the authorization of the development of middle housing types, if the action:

(I) Authorizes middle housing types on a lot or parcel under the same administrative process as a detached single-family residence in the same zoning district;

(II) Establishes lot or parcel sizes that are sufficient to allow for the construction of middle housing types;

(III) Establishes maximum density requirements that allow the development of middle housing types on each lot or parcel that allow for single-family residences;

(IV) Establishes applicable siting or design standards that do not individually or cumulatively cause unreasonable costs, fees, or delays to the development of middle housing types; and

(V) Either does not establish parking regulations for middle housing types, or, if the action does establish parking regulations for middle housing types, the action:

(1) Does not require off-street parking spaces for lots or parcels with an accessory dwelling unit or a duplex, or for lots or parcels that are less than 3,000 square feet;

(2) Does not require more than one off-street parking space for lots or parcels that are greater than or equal to 3,000 square feet but are less than 6,000 square feet;

(3) Does not require more than 0.5 off-street parking spaces for each dwelling unit for lots or parcels greater than or equal to 6,000 square feet;

(4) May allow on-street parking credits to satisfy off-street parking requirements;

(5) Allows, but does not require, off-street parking to be provided as a garage or carport; and

(6) Applies the same off-street parking surfacing, dimensional, landscaping, access, and circulation

standards that apply to single-family residences in the same zoning district."

Representatives Fitzgibbon and Shewmake spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Dye, Barkis, Walsh and Dye (again) spoke against the adoption of the amendment to the striking amendment.

Amendment (406) to the striking amendment (341), was adopted.

Striking amendment (341) as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Duerr, Ramel, Shewmake, Fitzgibbon and Slatter spoke in favor of the passage of the bill.

Representatives Dye, Barkis, Walsh, Griffey, Sutherland, Klippert, Klicker, MacEwen, Jacobsen, Orcutt, McEntire, Corry, Wilcox, Dye (again) and Dent spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Lekanoff was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1099.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1099, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

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

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

Excused: Representative Lekanoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1376, by Representative Fey

Concerning registration of land titles.

The bill was read the second time.

Representative Walsh moved the adoption of striking amendment (409):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 65.12 RCW to read as follows:

(1) Beginning on the effective date of this section, a person may not file, and the county auditor may not accept, any application to register a land title under this chapter.

(2) A land title registered under this chapter as of the effective date of this section continues to be subject to this chapter.

NEW SECTION. **Sec. 2.** The following acts or parts of acts are each repealed:

(1) RCW 65.12.005 (Registration authorized—Who may apply) and 2012 c 117 s 211 & 1907 c 250 s 1;

(2) RCW 65.12.010 (Land subject to a lesser estate) and 1907 c 250 s 2;

(3) RCW 65.12.015 (Tax title land—Conditions to registration) and 2012 c 117 s 212 & 1907 c 250 s 3;

(4) RCW 65.12.020 (Application) and 2012 c 117 s 213 & 1907 c 250 s 4;

(5) RCW 65.12.025 (Various lands in one application) and 1907 c 250 s 5;

(6) RCW 65.12.030 (Amendment of application) and 1907 c 250 s 6;

(7) RCW 65.12.035 (Form of application) and 2016 c 202 s 42, 2009 c 521 s 145, & 1907 c 250 s 7;

(8) RCW 65.12.040 (Venue—Power of the court) and 1907 c 250 s 8;

(9) RCW 65.12.070 (Nonresident to appoint agent) and 2012 c 117 s 217 & 1907 c 250 s 14;

(10) RCW 65.12.080 (Filing application—Docket and record entries) and 1907 c 250 s 15;

(11) RCW 65.12.085 (Filing abstract of title) and 1907 c 250 s 15a;

(12) RCW 65.12.090 (Examiner of titles—Appointment—Oath—Bond) and 2012 c 117 s 218 & 1907 c 250 s 13;

(13) RCW 65.12.100 (Copy of application as lis pendens) and 1907 c 250 s 16;

(14) RCW 65.12.110 (Examination of title) and 2012 c 117 s 219 & 1907 c 250 s 17;

(15) RCW 65.12.120 (Summons to issue) and 1907 c 250 s 18;

(16) RCW 65.12.125 (Summons—Form) and 2016 c 202 s 43 & 1907 c 250 s 206;

(17) RCW 65.12.130 (Parties to action) and 1907 c 250 s 19;

(18) RCW 65.12.135 (Service of summons) and 1985 c 469 s 60 & 1907 c 250 s 20;

(19) RCW 65.12.140 (Copy mailed to nonresidents—Proof—Expense) and 2012 c 117 s 220 & 1907 c 250 s 20a;

(20) RCW 65.12.145 (Guardians ad litem) and 1907 c 250 s 21;

(21) RCW 65.12.150 (Who may appear—Answer) and 2012 c 117 s 221 & 1907 c 250 s 22;

(22) RCW 65.12.155 (Judgment by default—Proof) and 1907 c 250 s 23;

(23) RCW 65.12.160 (Cause set for trial—Default—Referral) and 2012 c 117 s 222 & 1907 c 250 s 24;

(24) RCW 65.12.165 (Court may require further proof) and 1907 c 250 s 25;

(25) RCW 65.12.170 (Application dismissed or withdrawn) and 2012 c 117 s 223 & 1907 c 250 s 26;

(26) RCW 65.12.180 (Rights of persons not served) and 2012 c 117 s 225 & 1907 c 250 s 28;

(27) RCW 65.12.190 (Limitation of actions) and 1907 c 250 s 29; and

(28) RCW 65.12.210 (Interest acquired after filing application) and 1907 c 250 s 32.

NEW SECTION. **Sec. 3.** Section 2 of this act takes effect July 1, 2023."

Correct the title.

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

Representative Fey spoke against the adoption of the striking amendment.

Striking amendment (409) was not adopted.

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

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

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1376.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1376, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

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

Voting nay: Representatives Chambers, Chase, Dufault, Gohner, Graham, Jacobsen, Kraft, McCaslin, McEntire, Mosbrucker, Orcutt, Sutherland, Walsh and Young.

Excused: Representative Lekanoff.

HOUSE BILL NO. 1376, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1332, by Representatives Sullivan, Ramel, Leavitt, Dufault, Hackney, Wylie, Santos, Ortiz-Self, Ormsby, Rule, Stokesbary, Callan, Pollet and Macri

Concerning property tax deferral during the COVID-19 pandemic.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1332 was substituted for House Bill No. 1332 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1332 was read the second time.

With the consent of the House, amendments (400) and (401) were withdrawn.

Representative Sullivan moved the adoption of striking amendment (332):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.56.020 and 2019 c 332 s 1 are each amended to read as follows:

Treasurers' tax collection duties.

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

Tax statements.

(2) (a) Tax statements for the current year's collection must be distributed to each taxpayer on or before March 15th provided that:

(i) All city and other taxing district budgets have been submitted to county legislative authorities by November 30th per RCW 84.52.020;

(ii) The county legislative authority in turn has certified taxes levied to the county assessor by November 30th per RCW 84.52.070; and

(iii) The county assessor has delivered the tax roll to the county

treasurer by January 15th per RCW 84.52.080.

(b) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(c) Each tax statement distributed to an address must include a notice with information describing the:

(i) Property tax exemption program pursuant to RCW 84.36.379 through 84.36.389; and

(ii) Property tax deferral program pursuant to chapter 84.38 RCW.

Tax payment due dates.

On-time tax payments: First-half taxes paid by April 30th and second-half taxes paid by October 31st.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

Delinquent tax payments for current year: First-half taxes paid after April 30th.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

Delinquent tax payments: Interest, penalties, and treasurer duties.

(5) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the amount of tax

delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection (15)(b) of this section or a partial payment program pursuant to subsection (15)(c) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

(6) A county treasurer must provide notification to each taxpayer whose taxes have become delinquent under subsections (4) and (5) of this section. The delinquency notice must specify where the taxpayer can obtain information regarding:

(a) Any current tax or special assessments due as of the date of the notice;

(b) Any delinquent tax or special assessments due, including any penalties and interest, as of the date of the notice; and

(c) Where the taxpayer can pay his or her property taxes directly and contact information, including but not limited to the phone number, for the statewide foreclosure hotline recommended by the Washington state housing finance commission.

(7) Within ninety days after the expiration of two years from the date of delinquency (when a taxpayer's taxes have become delinquent), the county treasurer must provide the name and property address of the delinquent taxpayer to a homeownership resource center or any other designated local or state entity recommended by the Washington state housing finance commission.

Collection of foreclosure costs.

(8) (a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(c) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

Periods of armed conflict.

(9) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

State of emergency.

(10) ~~((During))~~ (a) Except as provided in (b) of this subsection, during a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

(b) (i) Due to the state of emergency declared under RCW 43.06.010(12) related to the novel coronavirus, the county treasurer must grant an extension of the due date of any unpaid, non-delinquent taxes payable in 2021, if the owner or person responsible for payment of tax on any real property primarily used for business purposes demonstrates to the county treasurer's satisfaction a loss of at least 25 percent of its revenue attributable to that real property for calendar year 2020 compared to calendar year 2019.

(ii) An extension under this subsection must be requested from the county treasurer by the owner or the person responsible for payment of

property taxes, solely upon forms developed or approved by the department.

(iii) A county treasurer granting an extension under this subsection (10) (b) must establish a payment plan for the taxes subject to the extension. The county treasurer may determine the payment schedule and other terms of the payment plan. Penalties and interest do not apply to the taxes due under the payment plan so long as the owner or person responsible for payment of the taxes fully complies with all the terms of the payment plan.

(iv) Any owner of real property receiving an extension under this subsection (10) (b) must pass the entire benefit of the extension to any tenant, and such tenant to any sublessee, if the tenant or sublessee is required by the lease or other contract to pay the property tax expense of the owner. Neither county treasurers nor the department have any responsibility for enforcing this subsection (10) (b) (iv).

(v) The department may adopt rules it deems necessary to administer this subsection (10) (b).

(vi) For purposes of this subsection (10) (b), the following definitions apply:

(A) "Attributable" means generated from the leasing or renting of real property or from a person's business activities conducted in, or directed or managed from, real property.

(B) "Revenue" means gross revenue, including gross income of the business as defined in RCW 82.04.080 and gross income as defined in RCW 82.16.010.

Retention of funds from interest.

(11) All collections of interest on delinquent taxes must be credited to the county current expense fund.

(12) For purposes of this chapter, "interest" means both interest and penalties.

Retention of funds from property foreclosures and sales.

(13) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and

must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

Tax due dates and options for tax payment collections.

Electronic billings and payments.

(14) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for:

- (a) Delinquent tax year payments; and
- (b) Prepayments of current tax.

Tax payments.

Prepayment for current taxes.

(15) (a) The treasurer may accept prepayments for current year taxes by any means authorized. All prepayments must be paid in full by the due date specified in subsection (16) of this section.

Payment agreements for current year taxes.

(b) (i) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes.

Payment agreements for delinquent year taxes.

(ii) (A) The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a

payment plan for past due delinquent taxes and charges.

(B) Tax payments received by a treasurer for delinquent year taxes from a taxpayer participating on a payment agreement must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Partial payments: Acceptance of partial payments for current and delinquent taxes.

(c) (i) In addition to the payment agreement program in (b) of this subsection, the treasurer may accept partial payment of any current and delinquent taxes including interest and penalties by any means authorized including electronic bill presentment and payments.

(ii) All tax payments received by a treasurer for delinquent year taxes from a taxpayer paying a partial payment must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Payment for delinquent taxes.

(d) Payments on past due taxes must include collection of the oldest delinquent year, which includes interest, penalties, and taxes within an eighteen-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

Due date for tax payments.

(16) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the following thirty-first of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

Electronic funds transfers.

(17) A county treasurer may authorize payment of:

(a) Any current property taxes due under this chapter by electronic funds transfers on a monthly or other periodic basis; and

(b) Any past due property taxes, penalties, and interest under this chapter by electronic funds transfers on

a monthly or other periodic basis. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section. All tax payments received by a treasurer from a taxpayer paying delinquent year taxes must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Payment for administering prepayment collections.

(18) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

Waiver of interest and penalties for qualified taxpayers subject to foreclosure.

(19) No earlier than sixty days prior to the date that is three years after the date of delinquency, the treasurer must waive all outstanding interest and penalties on delinquent taxes due from a taxpayer if the property is subject to an action for foreclosure under chapter 84.64 RCW and the following requirements are met:

(a) The taxpayer is income-qualified under RCW 84.36.381(5) (a), as verified by the county assessor;

(b) The taxpayer occupies the property as their principal place of residence; and

(c) The taxpayer has not previously received a waiver on the property as provided under this subsection.

Definitions.

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

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Representative Berg moved the adoption of amendment (396) to the striking amendment (332):

On page 5, line 19 of the striking amendment, after "payment plan." insert "In setting terms for the payment plan, the county treasurer must consider cash flow and other impacts on all relevant taxing jurisdictions. The county treasurer must prioritize payment plan expenditures to protect scheduled bond payments, and otherwise has discretion as to how payments made under the payment plan are expended."

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

Amendment (396) to the striking amendment (332), was adopted.

Striking amendment (332) as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Sullivan, Chase and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1332.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1332, and the bill

passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

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

Excused: Representative Lekanoff.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1514, by Representatives Taylor, Ramos and Harris-Talley

Addressing transportation demand management.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1514 was substituted for House Bill No. 1514 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1514 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 Taylor and Barkis 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 House Bill No. 1514.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1514, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; 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, 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, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dent, Kraft, McCaslin, McEntire and Walsh.

Excused: Representative Lekanoff.

SUBSTITUTE HOUSE BILL NO. 1514, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1410, by Representatives Volz, Valdez, Ybarra, Stokesbary, Chase, Dufault, Leavitt, Vick, Dolan, Sutherland, Walen, Chambers, Walsh, Robertson, Caldier, Griffey, Riccelli, Jacobsen, Fitzgibbon, Ormsby and Harris-Talley

Protecting taxpayers from home foreclosure.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1410 was substituted for House Bill No. 1410 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1410 was read the second time.

Representative Orwall moved the adoption of striking amendment (324):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.56.020 and 2019 c 332 s 1 are each amended to read as follows:

Treasurers' tax collection duties.

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments

made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

Tax statements.

(2) (a) Tax statements for the current year's collection must be distributed to each taxpayer on or before March 15th provided that:

(i) All city and other taxing district budgets have been submitted to county legislative authorities by November 30th per RCW 84.52.020;

(ii) The county legislative authority in turn has certified taxes levied to the county assessor by November 30th per RCW 84.52.070; and

(iii) The county assessor has delivered the tax roll to the county treasurer by January 15th per RCW 84.52.080.

(b) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(c) Each tax statement distributed to an address must include a notice with information describing the:

(i) Property tax exemption program pursuant to RCW 84.36.379 through 84.36.389; and

(ii) Property tax deferral program pursuant to chapter 84.38 RCW.

Tax payment due dates.

On-time tax payments: First-half taxes paid by April 30th and second-half taxes paid by October 31st.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

Delinquent tax payments for current year: First-half taxes paid after April 30th.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

Delinquent tax payments: Interest, penalties, and treasurer duties.

(5) (a) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest as provided in this subsection (~~at the rate of twelve percent per annum~~) computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment, regardless of when the taxes were first delinquent. Interest rates are:

(i) Twelve percent per annum for all non-residential real property and for residential real property with greater than four units per taxable parcel; or

(ii) Nine percent per annum for all residential real property with four or fewer units per taxable parcel.

(b) In addition, delinquent taxes under this section are subject to penalties as follows:

~~((a) A)~~ (i) For non-residential real property and for residential real property with greater than four units per taxable parcel, a penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

~~((b) A)~~ (ii) For non-residential real property and for residential real property with greater than four units per taxable parcel, an additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(iii) For residential real property with four or fewer units per taxable parcel, no penalties may be assessed.

(c) (i) If a taxpayer is successfully participating in a payment agreement under subsection (15)(b) of this section or a partial payment program pursuant to subsection (15)(c) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

(ii) The following remain due and payable as provided in any payment agreement:

(A) Interest that has been assessed prior to the payment agreement; and

(B) Penalties assessed prior to the effective date of this act that have been assessed prior to the payment agreement.

(6) A county treasurer must provide notification to each taxpayer whose taxes have become delinquent under subsections (4) and (5) of this section. The delinquency notice must specify where the taxpayer can obtain information regarding:

(a) Any current tax or special assessments due as of the date of the notice;

(b) Any delinquent tax or special assessments due, including any penalties and interest, as of the date of the notice; and

(c) Where the taxpayer can pay his or her property taxes directly and contact information, including but not limited to the phone number, for the statewide foreclosure hotline recommended by the Washington state housing finance commission.

(7) Within ninety days after the expiration of two years from the date of delinquency (when a taxpayer's taxes have become delinquent), the county treasurer must provide the name and property address of the delinquent taxpayer to a homeownership resource center or any other designated local or state entity recommended by the Washington state housing finance commission.

Collection of foreclosure costs.

(8) (a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(c) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

Periods of armed conflict.

(9) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

State of emergency.

(10) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

Retention of funds from interest.

(11) All collections of interest on delinquent taxes must be credited to the county current expense fund.

(12) For purposes of this chapter, "interest" means both interest and penalties.

Retention of funds from property foreclosures and sales.

(13) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

Tax due dates and options for tax payment collections.

Electronic billings and payments.

(14) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for:

- (a) Delinquent tax year payments; and
- (b) Prepayments of current tax.

Tax payments.

Prepayment for current taxes.

(15) (a) The treasurer may accept prepayments for current year taxes by any means authorized. All prepayments must be paid in full by the due date specified in subsection (16) of this section.

Payment agreements for current year taxes.

(b) (i) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes.

Payment agreements for delinquent year taxes.

(ii) (A) The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for past due delinquent taxes and charges.

(B) Tax payments received by a treasurer for delinquent year taxes from a taxpayer participating on a payment agreement must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Partial payments: Acceptance of partial payments for current and delinquent taxes.

(c) (i) In addition to the payment agreement program in (b) of this subsection, the treasurer may accept partial payment of any current and delinquent taxes including interest and penalties by any means authorized including electronic bill presentment and payments.

(ii) All tax payments received by a treasurer for delinquent year taxes from a taxpayer paying a partial payment must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Payment for delinquent taxes.

(d) Payments on past due taxes must include collection of the oldest delinquent year, which includes interest, penalties, and taxes within an eighteen-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

Due date for tax payments.

(16) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the following thirty-first of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

Electronic funds transfers.

(17) A county treasurer may authorize payment of:

(a) Any current property taxes due under this chapter by electronic funds transfers on a monthly or other periodic basis; and

(b) Any past due property taxes, penalties, and interest under this chapter by electronic funds transfers on a monthly or other periodic basis. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section. All tax payments received by a treasurer from a taxpayer paying delinquent year taxes must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

Payment for administering prepayment collections.

(18) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

Waiver of interest and penalties for qualified taxpayers subject to foreclosure.

(19) No earlier than sixty days prior to the date that is three years after the date of delinquency, the treasurer must waive all outstanding interest and penalties on delinquent taxes due from a taxpayer if the property is subject to an action for foreclosure under chapter 84.64 RCW and the following requirements are met:

(a) The taxpayer is income-qualified under RCW 84.36.381(5) (a), as verified by the county assessor;

(b) The taxpayer occupies the property as their principal place of residence; and

(c) The taxpayer has not previously received a waiver on the property as provided under this subsection.

Definitions.

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

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency."

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

Striking amendment (324) was adopted.

The bill was ordered engrossed.

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

Representatives Chase, Volz, Harris-Talley and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1410.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1410, 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, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Lekanoff.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SECOND READING

HOUSE BILL NO. 1076, by Representatives Hansen, Fitzgibbon, Berry, Dolan, J. Johnson, Ramos, Simmons, Ramel, Ortiz-Self, Gregerson, Ryu, Bronoske, Valdez, Callan, Kloba, Hackney, Chopp, Ormsby, Stonier, Frame, Santos, Macri, Pollet and Harris-Talley

Allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections.

Representative Stokesbary moved that the House recommit HOUSE BILL NO. 1076 to the committee on Local Government.

Representatives Stokesbary, Goehner, Jacobsen and Hoff spoke in favor of the motion.

Representatives Pollet and Sullivan spoke against the motion.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the motion to recommit HOUSE BILL NO. 1076 to the committee on Local Government and the motion was not adopted by the following vote: Yeas: 41; Nays: 57; Absent: 0; Excused: 0

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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., 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, and Wylie

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1076 was substituted for House Bill No. 1076 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1076 was read the second time.

With the consent of the House, amendments (161), (162), (163), (164), (165), (289), (292), (312), (313), (316), (317), (331) and (333) were withdrawn.

Representative Hoff moved the adoption of amendment (159):

On page 1, line 17, after "state" insert ", if the legislature does not appropriate sufficient funding to the department of labor and industries and the human rights commissions to enforce existing laws"

On page 8, beginning on line 30, after "If" strike all material through "not" on line 31 and insert "sufficient funding for the operation of the department of labor and industries and the human rights commission to enforce the laws referenced in section 4 of this act, measured by funding in the 2021-2023 omnibus operating appropriations act that equals or exceeds the total funding for those agencies in the governor's budget proposal under RCW 43.88.030 for that period, is"

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

Representative Ormsby spoke against the adoption of the amendment.

Amendment (159) was not adopted.

Representative Stokesbary moved the adoption of amendment (322):

On page 2, line 3, after "commission" insert ", and for purposes of the laws referenced in subsection (11) of section 4 of this act, "agency" means the public employment relations commission"

On page 4, line 25, after "act;" strike "and"

On page 4, line 26, after "(11)" insert "RCW 28B.52.025, 41.59.060, and 41.80.050, relating to employee rights in organizing, and RCW 28B.52.043, 41.56.110, 41.56.113, 41.76.045, 41.80.100, 47.64.160, and 49.39.080, relating to employee authorization of dues; and

(12) "

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

Representative Sells spoke against the adoption of the amendment.

Amendment (322) was not adopted.

Representative Gilday moved the adoption of amendment (287):

On page 2, line 4, after "(2)" insert "(a)"

On page 2, after line 8, insert the following:

"(b) "Aggrieved person" does not include an employee of a motor, air, or rail carrier or of any derivative carriers."

On page 2, line 17, after "act" insert ", but does not include an action concerning an employee of a motor, air, or rail carrier or of any derivative carriers"

On page 2, line 18, after "(6)" insert "(a)"

On page 2, after line 21, insert the following:

"(b) "Whistleblower" does not include an employee, contractor, or subcontractor of any motor, air, or rail carrier or of any derivative carriers."

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

Representative Berry spoke against the adoption of the amendment.

Amendment (287) was not adopted.

Representative Walsh moved the adoption of amendment (314):

On page 2, line 4, after "(2)" insert "(a)"

On page 2, after line 8, insert the following:

"(b) "Aggrieved person" does not include an employee covered by a collective bargaining agreement."

On page 2, line 17, after "act" insert ", but does not include an action concerning a person or persons covered by a collective bargaining agreement"

On page 2, line 18, after "(6)" insert "(a)"

On page 2, after line 21, insert the following:

"(b) "Whistleblower" does not include an employee, contractor, or subcontractor covered by a collective bargaining agreement."

Representatives Walsh, Hoff and Vick spoke in favor of the adoption of the amendment.

Representatives Bronoske and Sells spoke against the adoption of the amendment.

Amendment (314) was not adopted.

Representative Vick moved the adoption of amendment (329):

On page 2, line 4, after "a" strike "person" and insert "natural person who is or was employed by the employer subject to a qui tam action and"

On page 2, beginning on line 18, after "a" strike all material through "with" on line 20 and insert "natural person who is or was employed by the employer subject to a qui tam action and has"

Representatives Vick and Hoff spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (329) was not adopted.

Representative Mosbrucker moved the adoption of amendment (311):

On page 2, line 9, after "(3)" insert "'Cure" or "cures" means that the employer corrects the violation alleged by the aggrieved person and has written documentation that the aggrieved person has been made whole.

(4)"

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

On page 3, line 1, after "(3)" insert "(a) No qui tam action may be brought if an employer cures the alleged violation.

(b) Every employer shall have a right to cure an alleged violation within thirty days of receipt of the written notice required in section 5(1) of this act.

(4)"

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

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (311) was not adopted.

Representative Dufault moved the adoption of amendment (160):

On page 2, beginning on line 12, after "person" strike all material through "act," on line 14, and insert "or whistleblower"

On page 4, beginning on line 5, strike all of subsection (9)

Representatives Dufault and Corry spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (160) was not adopted.

Representative Stokesbary moved the adoption of amendment (323):

On page 2, line 37, after "(2) A" strike "relator" and insert "party"

Representatives Stokesbary, Chambers, Mosbrucker, Walsh, Dufault, Orcutt, Mosbrucker (again), Corry, Hoff and Barkis spoke in favor of the adoption of the amendment.

Representatives Hansen, Berry and Hackney spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (323) and the amendment was not adopted by the following vote: Yeas: 46; Nays: 52; Absent: 0; Excused: 0

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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, 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, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, and Wylie

Representative Vick moved the adoption of amendment (330):

On page 3, line 34, after "(6)" insert "No qui tam action may be brought under this chapter if substantially the same allegations or transactions as alleged in the written notice required under section 5(1) of this act were publicly disclosed: (a) In a criminal, civil, or administrative proceeding in which the agency or an aggrieved employee is a party; (b) in a legislative, agency, attorney general, or other state report, hearing, audit, or investigation; or (c) from a media outlet of any kind, unless the person bringing the action is an original source of the information.

(7) "

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

Representatives Vick, Vick (again), Kraft, Walsh and Hoff spoke in favor of the adoption of the amendment.

Representatives Hansen and Hackney spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (330) and the amendment was not adopted by the following vote: Yeas: 45; Nays: 53; Absent: 0; Excused: 0

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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, 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, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, and Wylie

Representative Abbarno moved the adoption of amendment (290):

On page 4, beginning on line 12, after "(1)" strike all material through "(4)" on line 15

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

Representatives Abbarno, Hoff, Chambers, Mosbrucker, MacEwen, Abbarno (again) and Hoff (again) spoke in favor of the adoption of the amendment.

Representatives Berry and Hackney spoke against the adoption of the amendment.

Amendment (290) was not adopted.

Representative Caldier moved the adoption of amendment (266):

On page 8, after line 29, insert the following:

"NEW SECTION. Sec. 16. (1) If the human rights commission finds, on or before January 1, 2026, that the Washington state house of representatives has committed an unfair practice under chapter 49.60 RCW on the basis of disability discrimination, including a failure or refusal to provide a reasonable accommodation, against a current or former member of the house of representatives, this act expires six months following the date of the finding.

(2) The human rights commission must provide notice of the expiration date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the human rights commission."

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

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (266).

SPEAKER'S RULING

"The title of the bill is an act relating to allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections.

The amendment seeks to invalidate the law based on the outcome of a hypothetical complaint on an unrelated issue.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Jacobsen moved the adoption of amendment (315):

On page 8, line 31, after "act," insert "including funding specifically designated by the legislature as sufficient for the state and local governments to defend themselves against qui tam actions,"

Representatives Jacobsen, Dufault, Graham, Walsh, Jacobsen (again), Dufault (again) and Stokesbary spoke in favor of the adoption of the amendment.

Representatives Gregerson and Walen spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (315) and the amendment was not adopted by the following vote: Yeas: 45; Nays: 53; Absent: 0; Excused: 0

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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, 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, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

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

Representatives Hansen, Berry, Ortiz-Self, Peterson, Hackney and Bronoske spoke in favor of the passage of the bill.

Representatives Abbarno, Hoff, Dufault, Barkis, Walsh, Jacobsen, Chase, Schmick, Vick, Sutherland, Goehner, Chambers, Corry, Mosbrucker, Orcutt, Gilday, Graham, Boehnke, Kraft, Chase (again), Griffey, Sutherland (again) and Stokesbary spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Klippert was excused.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1076.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1076, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

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, Stonier, Sullivan, Taylor, Thai, Valdez, 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, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Springer, Steele,

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

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 1076, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Sullivan to preside.

There being no objection, the House adjourned until 10:00 a.m., March 6, 2021, the 55th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY FIFTH DAY

House Chamber, Olympia, Saturday, March 6, 2021

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

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Chris Corry, 14th Legislative District.

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

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

MESSAGE FROM THE SENATE

March 5, 2021

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5004,
 SENATE BILL NO. 5015,
 SENATE BILL NO. 5043,
 SENATE BILL NO. 5058,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5188,
 SECOND SUBSTITUTE SENATE BILL NO. 5195,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5263,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5268,
 SECOND SUBSTITUTE SENATE BILL NO. 5293,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5295,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5357,
 SUBSTITUTE SENATE BILL NO. 5361,
 SECOND SUBSTITUTE SENATE BILL NO. 5368,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5405,

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

SB 5016 by Senators Warnick, Brown and Van De Wege

AN ACT Relating to tracked and wheeled all-terrain vehicles; amending RCW 46.10.300; adding a new section to chapter 46.04 RCW; adding a new section to

chapter 46.10 RCW; and adding a new section to chapter 46.09 RCW.

Referred to Committee on Transportation.

SB 5031 by Senators Honeyford, Brown, Cleveland, Frockt, Holy, Mullet and Warnick

AN ACT Relating to a community aviation revitalization loan program; amending RCW 43.79A.040 and 47.68.020; reenacting and amending 2019 c 413 s 7037 (uncodified); adding new sections to chapter 47.68 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

SSB 5082 by Senate Committee on Ways & Means (originally sponsored by Fortunato, Hunt and Kuderer)

AN ACT Relating to reestablishing the productivity board; amending RCW 41.60.020, 41.60.041, 41.60.050, 41.60.120, and 41.60.150; and reenacting and amending RCW 41.60.015.

Referred to Committee on Appropriations.

ESSB 5122 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Das, Hasegawa, Kuderer, Nguyen, Pedersen, Robinson, Saldaña, Wilson and C.)

AN ACT Relating to the jurisdiction of juvenile court; amending RCW 9A.04.050, 13.04.030, 13.04.030, 13.40.020, 13.40.020, 13.40.0357, 13.40.0357, 13.40.080, 13.40.080, 13.40.193, 13.40.193, 13.40.300, 13.40.300, 13.40.511, 13.40.511, 13.40.590, 13.40.590, 13.40.600, and 13.40.600; reenacting and amending RCW 13.04.011 and 13.04.011; adding a new section to chapter 13.04 RCW; adding new sections to chapter 43.216 RCW; creating new sections; providing effective dates; and providing expiration dates.

Referred to Committee on Appropriations.

E2SSB 5128 by Senate Committee on Ways & Means (originally sponsored by Wellman, Wilson, C., Conway, Dhingra, Hunt, Keiser, Lovelett, Nguyen and Saldaña)

AN ACT Relating to student transportation funding during a local, state, or national emergency; amending

RCW 28A.160.170 and 28A.160.192; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

SB 5145 by Senators Van De Wege and Rolfes

AN ACT Relating to the prevention of seabed mining of hard minerals; and amending RCW 79.14.300, 79.140.190, and 90.58.160.

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

E2SSB 5160 by Senate Committee on Ways & Means (originally sponsored by Kuderer, Liias, Conway, Das, Lovelett, Saldaña, Wilson and C.)

AN ACT Relating to 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; amending RCW 43.31.615, 59.18.057, 59.18.365, 59.12.040, and 59.20.040; reenacting and amending RCW 43.31.605 and 59.18.230; adding new sections to chapter 59.18 RCW; adding a new section to chapter 2.53 RCW; adding a new section to chapter 43.185C RCW; creating new sections; repealing RCW 59.18.375; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

ESSB 5203 by Senate Committee on Health & Long Term Care (originally sponsored by Van De Wege, Carlyle, Frockt, Hasegawa, Keiser, Liias, Nguyen, Randall, Robinson, Salomon, Stanford, Wilson and C.)

AN ACT Relating to the production, distribution, and purchase of generic prescription drugs; amending RCW 70.14.060; and adding a new section to chapter 70.14 RCW.

Referred to Committee on Appropriations.

ESB 5220 by Senators Van De Wege and Rolfes

AN ACT Relating to the taxation of salmon recovery grants by updating the state business and occupation tax deduction for these grants, creating a sales and use tax exemption for grant proceeds received by recipients of these grants, and clarifying the sales and use tax obligations for goods and services purchased by recipients of these grants; amending RCW 82.04.4339 and 82.04.050; amending 2020 c 80 s 62 (uncodified);

adding a new section to chapter 82.08 RCW; creating a new section; repealing 2020 c 80 s 58; and declaring an emergency.

Referred to Committee on Finance.

SB 5291 by Senators Conway and Randall

AN ACT Relating to the report deadline for the defense community compatibility account; and amending RCW 43.330.520.

Referred to Committee on Capital Budget.

ESSB 5321 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Nobles, Das, Dhingra, Frockt, Hasegawa, Liias, Lovelett, Nguyen, Randall, Saldaña, Stanford, Wilson and C.)

AN ACT Relating to the college bound scholarship; amending RCW 28B.118.040; reenacting and amending RCW 28B.118.010 and 28B.118.090; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

E2SSB 5395 by Senate Committee on Ways & Means (originally sponsored by Hunt, Dhingra, Hasegawa, Kuderer, Nguyen, Nobles, Randall, Saldaña, Wellman, Wilson and C.)

AN ACT Relating to use of state resources during periods where state employees are required to work from home; adding a new section to chapter 41.04 RCW; creating new sections; providing an expiration date; and providing a contingent expiration date.

Referred to Committee on Appropriations.

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

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

SECOND READING

HOUSE BILL NO. 1210, by Representatives Morgan, Peterson, Kloba, J. Johnson, Ryu, Santos, Ortiz-Self, Ormsby, Simmons, Gregerson, Riccelli, Macri, Frame and Harris-Talley

Replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1210 was substituted for House Bill No. 1210 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1210 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 MacEwen, Kloba and Morgan spoke in favor of the passage of the bill.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1210.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1210, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; 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, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, 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, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Chase, Dent, Dufault, Dye, Eslick, Graham, Hoff, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Schmick, Sutherland, Volz and Walsh.

SUBSTITUTE HOUSE BILL NO. 1210, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1326, by Representatives Lekanoff, Goodman, Ramel, Orwall, Klippert, Bateman, Lovick and Pollet

Concerning coroners and medical examiners.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1326 was substituted for House Bill No. 1326 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1326 was read the second time.

With the consent of the House, amendments (200) and (114) were withdrawn.

Representative Pollet moved the adoption of striking amendment (152):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.24 RCW to read as follows:

Within 12 months of being elected or appointed to the office, a coroner or medical examiner must have a certificate of completion of medicolegal forensic investigation training that complies with the standards adopted for the medicolegal training academy adopted by the criminal justice training commission in conjunction with the Washington association of coroners and medical examiners and a practicing physician selected by the commission pursuant to section 3 of this act. This requirement does not apply to an elected prosecutor acting as the ex officio coroner in a county. All medicolegal investigative personnel employed by any coroner's or medical examiner's office must complete medicolegal forensic investigation training as required under section 3 of this act. A county in which the coroner or county medical examiner has not obtained such certification within 12 months of assuming office is ineligible to receive reimbursement from the death investigations account under RCW 68.50.104.

NEW SECTION. Sec. 2. A new section is added to chapter 36.24 RCW to read as follows:

Except those run by a county prosecutor, all county coroner's offices and medical examiner's offices must be accredited by either the international association of coroners and medical examiners or the national association of medical examiners no later than July 1, 2025, and maintain continued accreditation thereafter. A county that contracts for its coroner or medical examiner services with an accredited coroner or medical examiner's office in another county does not need to maintain accreditation.

NEW SECTION. Sec. 3. A new section is added to chapter 43.101 RCW to read as follows:

(1) (a) All elected coroners, appointed coroners, persons serving as coroners, medical examiners, and all other full-time medicolegal investigative personnel employed by a county coroner's or medical examiner's office must successfully complete medicolegal forensic investigation training through the medicolegal training academy program within 12 months of being elected, appointed, or employed unless otherwise exempted by the commission. This section does not apply to elected prosecutors who are coroners in their counties.

(b) All part-time medicolegal investigative personnel employed by a county coroner's or medical examiner's office must successfully complete medicolegal forensic investigation training through the medicolegal training academy program within 18 months of being employed unless otherwise exempted by the commission.

(2) The commission, in conjunction with the Washington association of coroners and medical examiners and a practicing physician selected by the commission, shall develop the medicolegal forensic investigation training curriculum and adopt the standards for the medicolegal training academy and any exemption from the requirement to complete the medicolegal forensic investigation training. The commission shall exempt from this requirement any coroner, medical examiner, or medicolegal investigative personnel who has obtained training comparable to the medicolegal forensic investigation training by virtue of educational or professional training or experience.

(3) The commission must certify successful completion of the medicolegal forensic investigation training or exemption from the medicolegal training requirement within 60 days from the receipt of proof of completion or request for exemption.

(4) The medicolegal forensic investigation training required under this section must:

(a) Meet the recommendations of the national commission on forensic science for certification and accreditation; and

(b) Satisfy the requirements for training on the subject of sudden, unexplained child death including, but not limited to, sudden infant death syndrome developed pursuant to RCW

43.103.100 and missing persons protocols pursuant to RCW 43.103.110.

(5) Certification under this section is a condition of continued employment in a coroner's or medical examiner's office.

(6) A coroner's or medical examiner's office in which a coroner, person serving as coroner, medical examiner, or other medicolegal investigative employee, who has not otherwise been exempted by the commission, is not certified within 12 months of being elected, appointed, or employed as required by this section, is not eligible for reimbursement from the death investigations account under RCW 68.50.104 until the office is in compliance with all requirements under this section.

Sec. 4. RCW 36.16.030 and 2015 c 53 s 61 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand the county legislative authority may determine that no coroner shall be elected and ((the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29A.60.280. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner)) instead appoint a coroner. In a county with a population of two hundred fifty thousand

or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

Sec. 5. RCW 36.16.030 and 2015 c 53 s 61 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29A.60.280. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners

as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

Sec. 6. RCW 36.17.020 and 2008 c 309 s 2 are each amended to read as follows:

The county legislative authority of each county or a county commissioner or councilmember salary commission which conforms with RCW 36.17.024 is authorized to establish the salaries of the elected officials of the county. The state and county shall contribute to the costs of the salary of the elected prosecuting attorney as set forth in subsection (1) of this section. The annual salary of a county elected official shall not be less than the following:

(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of the county legislative authority, and coroner, eighteen thousand dollars; and assessor, nineteen thousand dollars;

(2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; members of the county legislative authority, nineteen thousand five hundred dollars; and coroner, seventeen thousand six hundred dollars;

(3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; members of the county legislative authority, seventeen thousand six hundred dollars; and coroner, sixteen thousand dollars;

(4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; members of the county legislative authority, fourteen thousand nine hundred dollars; and coroner, fourteen thousand nine hundred dollars;

(5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; members of the county legislative authority, thirteen thousand eight hundred dollars; and coroner, thirteen thousand eight hundred dollars;

(6) In each county with a population of from eighteen thousand to less than forty thousand: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; ~~((and))~~ members of the county legislative authority, eleven thousand dollars; and coroner, \$11,000 or on a per case basis as determined by the county legislative authority;

(7) In each county with a population of from twelve thousand to less than eighteen thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; ~~((and))~~ members of the county legislative authority, nine thousand four hundred dollars; and coroner, \$9,400 or on a per case basis as determined by the county legislative authority;

(8) In each county with a population of from eight thousand to less than twelve thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; ~~((and))~~ members of the county legislative authority, seven thousand dollars; and coroner, \$7,000 or on a per case basis as determined by the county legislative authority;

(9) In each county with a population of from five thousand to less than eight thousand: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; ~~((and))~~ members of the county

legislative authority, six thousand five hundred dollars; and coroner, \$6,500 or on a per case basis as determined by the county legislative authority;

(10) In each other county: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; ~~((and))~~ members of the county legislative authority, six thousand five hundred dollars; and coroner, \$6,500 or on a per case basis as determined by the county legislative authority;

(11) The state of Washington shall contribute an amount equal to one-half the salary of a superior court judge towards the salary of the elected prosecuting attorney. Upon receipt of the state contribution, a county shall continue to contribute towards the salary of the elected prosecuting attorney in an amount that equals or exceeds that contributed by the county in 2008.

Sec. 7. RCW 68.50.010 and 1963 c 178 s 1 are each amended to read as follows:

The jurisdiction of bodies of all deceased persons who come to their death suddenly when in apparent good health without medical attendance within the thirty-six hours preceding death; or where the circumstances of death indicate death was caused by unnatural or unlawful means; or where death occurs under suspicious circumstances; or where a coroner's autopsy or postmortem or coroner's inquest is to be held; or where death results from unknown or obscure causes, or where death occurs within one year following an accident; or where the death is caused by any violence whatsoever, or where death results from a known or suspected abortion; whether self-induced or otherwise; where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering; or where death is due to premature birth or still birth; or where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard; or where death results from alleged rape, carnal knowledge or sodomy, where death occurs in a jail or prison; where a body is found dead or is

not claimed by relatives or friends, is hereby vested in the county coroner or medical examiner, which bodies may be removed and placed in the morgue under such rules as are adopted by the coroner or medical examiner with the approval of the county commissioners, having jurisdiction, providing therein how the bodies shall be brought to and cared for at the morgue and held for the proper identification where necessary.

Sec. 8. RCW 68.50.104 and 2019 c 317 s 4 are each amended to read as follows:

(1) The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the department shall bear the cost of such autopsy.

(2)(a) Except as provided in (b) of this subsection, when the county bears the cost of an autopsy, it shall be reimbursed from the death investigations account, established by RCW 43.79.445, as follows:

(i) Up to forty percent of the cost of contracting for the services of a pathologist to perform an autopsy;

(ii) Up to (~~twenty-five~~) 30 percent of the salary of pathologists who are primarily engaged in performing autopsies and are (A) county coroners or county medical examiners, or (B) employees of a county coroner or county medical examiner; and

(iii) One hundred percent of the cost of autopsies conducted under RCW 70.54.450.

(b) When the county bears the cost of an autopsy of a child under the age of three whose death was sudden and unexplained, the county shall be reimbursed for the expenses of the autopsy when the death scene investigation and the autopsy have been conducted under RCW 43.103.100 (4) and (5), and the autopsy has been done at a facility designed for the performance of autopsies.

(3) Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, That no county may reduce funds appropriated for this purpose below 1983 budgeted levels.

(4) Where the county coroner's office or county medical examiner's office is not accredited pursuant to section 2 of this act, or a coroner, medical examiner,

or other medicolegal investigative employee is not certified as required by sections 1 and 3 of this act, the state treasurer's office shall withhold autopsy reimbursement funds until accreditation under section 2 of this act or compliance with sections 1 and 3 of this act is achieved.

NEW SECTION. Sec. 9. Sections 4 and 6 of this act take effect January 1, 2025.

NEW SECTION. Sec. 10. Section 5 of this act expires January 1, 2025."

Correct the title.

Representative Goehner moved the adoption of amendment (201) to the striking amendment (152):

On page 1, beginning on line 18 of the striking amendment, after "office" strike "is ineligible to receive" and insert "may have its"

On page 1, line 19 of the striking amendment, after "account" insert "reduced as provided"

On page 3, line 1 of the striking amendment, after "(6) A" strike "coroner's or medical examiner's office" and insert "county"

On page 3, beginning on line 5 of the striking amendment, after "section," strike "is not eligible for" and insert "may have its"

On page 3, line 6 of the striking amendment, after "account" insert "reduced as provided"

On page 8, line 28 of the striking amendment, after "withhold" insert "25 percent of"

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

Amendment (201) to the striking amendment (152) was adopted.

Representative Walsh moved the adoption of amendment (199) to the striking amendment (152):

On page 3, line 33 of the striking amendment, after "coroner" insert "or direct that the prosecuting attorney shall serve as ex-officio coroner"

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

Amendment (199) to the striking amendment (152) was adopted.

Representative Robertson moved the adoption of amendment (197) to the striking amendment (152):

On page 3, line 33 of the striking amendment, after "coroner." insert "Until such time as a coroner in a county with a population of less than 40,000 has been elected from among the qualified voters or a suitable candidate appointed by the county legislative authority, the prosecuting attorney may serve as ex-officio coroner."

Representative Robertson withdrew amendment (197) to the striking amendment (152).

Striking amendment (152) as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Lekanoff, Goehner and Goodman 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 House Bill No. 1326.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1326, 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 SUBSTITUTE HOUSE BILL NO. 1326, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1445, by Representatives Thai, Cody, Ormsby, Pollet and Harris-Talley

Concerning the definition of compounding for purposes of the practice of pharmacy.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1445 was substituted for House Bill No. 1445 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1445 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 Thai and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1445.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1445, 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 HOUSE BILL NO. 1445, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1472, by Representatives Slatter, Ortiz-Self, Sutherland, Goodman, Ormsby, Valdez, Eslick, Harris-Talley, Lekanoff, Pollet and Chopp

Adding a graduate student to the student achievement council.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1472 was substituted for House Bill No. 1472 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1472 was read the second time.

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

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

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1472.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1472, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

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

Voting nay: Representatives Chambers, Chandler, Chase, Dufault, Dye, Eslick, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Rude, Schmick, Steele, Vick and Walsh.

SUBSTITUTE HOUSE BILL NO. 1472, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1484, by Representatives Dolan and Lekanoff

Concerning the statewide first responder building mapping information system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1484 was substituted for House Bill No. 1484 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1484 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 Dolan, Ybarra and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1484.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1484, 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 HOUSE BILL NO. 1484, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1030, by Representatives Dent, Springer, Boehnke, Eslick, Callan and Slatter

Concerning a community aviation revitalization loan program.

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 Dent and Fey 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 House Bill No. 1030.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1030, 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.

HOUSE BILL NO. 1030, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1137, by Representatives McCaslin, Young, Barkis, Schmick and Graham

Elevating road maintenance and preservation in transportation planning.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1137 was substituted for House Bill No. 1137 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1137 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 McCaslin and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1137.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1137, and the bill passed the House by the following vote: Yeas, 88; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick,

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

Voting nay: Representatives Berry, Chopp, Fitzgibbon, Frame, Harris-Talley, Kloba, Ramel, Ramos, Valdez and Wicks.

SUBSTITUTE HOUSE BILL NO. 1137, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1310, by Representatives J. Johnson, Lovick, Ryu, Simmons, Berry, Fitzgibbon, Hackney, Wylie, Sells, Wicks, Cody, Callan, Gregerson, Santos, Senn, Ortiz-Self, Chopp, Davis, Valdez, Dolan, Bateman, Ormsby, Bergquist, Morgan, Ramel, Ramos, Lekanoff, Frame, Harris-Talley, Pollet, Macri and Peterson

Concerning permissible uses of force by law enforcement and correctional officers.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1310 was substituted for House Bill No. 1310 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1310 was read the second time.

With the consent of the House, amendments (319), (325) and (383) were withdrawn.

Representative Mosbrucker moved the adoption of amendment (380):

On page 2, line 1, after "(1)" insert "Appropriate," "imminent," "minimal," "necessary," and "reasonable" must be interpreted according to an objective standard which considers all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have determined the action was appropriate, minimal, necessary, or reasonable, or the threat was imminent.

(2) "

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

On page 3, line 37, after "circumstances," insert "a similarly situated reasonable officer would have determined that"

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

Representatives Hackney and Goodman spoke against the adoption of the amendment.

Amendment (380) was not adopted.

Representative Klippert moved the adoption of amendment (407):

On page 2, beginning on line 17, after "to" strike all material through "otherwise" on line 18 and insert ": Protect against criminal conduct where there is probable cause to make an arrest; effect an arrest; prevent an escape as defined under chapter 9A.76 RCW; or"

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

Amendment (407) was adopted.

Representative Mosbrucker moved the adoption of amendment (379):

On page 2, beginning on line 22, after "when" strike all material through "person" on line 23 and insert "such use is justifiable under chapter 9A.16 RCW"

On page 3, beginning on line 29, beginning with "(5)" strike all material through "officer." on page 4, line 4

Representative Mosbrucker and Mosbrucker (again) spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (379) was not adopted.

Representative Klippert moved the adoption of amendment (320):

On page 2, line 22, after "against" strike "an imminent" and insert "a valid"

On page 3, beginning on line 31, strike all of subsection (a)

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

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

Representative J. Johnson spoke against the adoption of the amendment.

Amendment (320) was not adopted.

Representative Klippert moved the adoption of amendment (321):

On page 3, line 24, after "law" insert ", except to protect his or her life or the life of another person"

Representatives Klippert and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (321) was adopted.

Representative Griffey moved the adoption of amendment (382):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101 RCW to read as follows:

(1) The criminal justice training commission, in consultation with the Washington association of sheriffs and police chiefs, representatives of law enforcement labor groups, and other agencies and organizations as deemed appropriate by the commission, must develop and adopt a statewide use of force standard built upon the cornerstone principle of the sanctity of human life. The statewide use of force standard built upon the cornerstone principle of the sanctity of human life takes effect one year following its adoption by the commission.

(2) The use of force standard built upon the cornerstone principle of the sanctity of human life must:

(a) Require any use of force to meet the test of proportionality to employ a degree of force that is objectively reasonable to gain control and compliance of persons, rather than a use of force continuum or "drawing a line in the sand";

(b) Emphasize the use of time, cover, and distance to mitigate the need to use force;

(c) Be informed by the data collection and related analysis conducted under chapter . . . , Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5259);

(d) Utilize credible science to develop recommended techniques for law enforcement's response to scenes where an individual displays symptoms consistent with the medical condition known as excited delirium;

(e) Educate officers to recognize and address implicit bias;

(f) Educate officers on the history of race and law enforcement; and

(g) Allow for law enforcement agencies to adopt and implement policies, practices, procedures, and training that are more restrictive than the use of force standard built upon the cornerstone principle of the sanctity of human life adopted by the commission.

(3) The criminal justice training commission must review and modify its policies, practices, procedures, and trainings as necessary to fully incorporate and implement the statewide use of force standard built upon the cornerstone principle of the sanctity of human life, and ensure that any modifications necessary are fully implemented no later than one year after adoption of the standard by the commission.

(4) Each Washington law enforcement agency must review and modify its policies, practices, procedures, and trainings as necessary to fully incorporate and implement the statewide use of force standard built upon the cornerstone principle of the sanctity of human life, and ensure that any modifications necessary are fully implemented no later than one year after adoption of the standard by the commission. All Washington law enforcement agencies are prohibited from utilizing, whether formal or informal, a use of force standard inconsistent with this standard.

(5) The criminal justice training commission must reimburse law enforcement agencies for reasonable and necessary costs of implementing the provisions of RCW 43.101.450 and 43.101.452 and chapter . . . , Laws of 2021 (this act).

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101 RCW to read as follows:

All Washington law enforcement agencies must, no later than one year after the effective date of this section,

adopt and implement a policy requiring an agency supervisor to immediately respond to any scene where a weapon is reported, when a person is experiencing a behavioral health crisis, or when a dispatcher or other member of the law enforcement agency reports a potential for a significant use of force. Agencies are strongly encouraged to require higher level supervisors to respond to scenes where the potential for a significant use of force is greater.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

All Washington law enforcement agencies must, no later than one year after the effective date of this section, formally adopt de-escalation as part of the agency's policies.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101 RCW to read as follows:

All Washington law enforcement agencies must, no later than one year after the effective date of this section, adopt policies and procedures to identify use of force incidents and conduct an internal administrative review to determine whether each incident was consistent with applicable laws and agency policies, procedures, and training.

NEW SECTION. **Sec. 5.** A new section is added to chapter 41.56 RCW to read as follows:

Notwithstanding any provisions of this chapter, the provisions of chapter . . . , Laws of 2021 (this act) and the implementation thereof do not constitute personnel matters, working conditions, or any other change that requires collective bargaining.

NEW SECTION. **Sec. 6.** To the extent that any provision of this act is in conflict with any local regulation, ordinance, collective bargaining agreement, memorandum of understanding, policy, or practice, the provisions of this act prevail and the conflicting provision is null and void.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. If specific and sufficient 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."

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (382).

SPEAKER'S RULING

"The title of the bill is an act relating to permissible use of force by law enforcement and correctional officers.

The bill establishes a standard for use of physical force by peace officers.

Amendment (382) provides that development and implementation of a statewide use of force standard does not constitute any change in working or other conditions requiring collective bargaining and invalidates any local laws or collective bargaining agreements in conflict with the development and implementation of this standard.

Collective bargaining is a separate and distinct topic from the issue presented in the bill before us – whether to establish a standard for use of physical force by peace officers.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

The bill was ordered engrossed.

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

Representatives J. Johnson, Wicks and Simmons spoke in favor of the passage of the bill.

Representatives Mosbrucker, Graham, Griffey, Walsh, Sutherland, Klippert and Maycumber spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Chopp was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1310.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1310, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, 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, 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, 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, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Chopp.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1310, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1236, by Representatives Macri, Taylor, Dolan, Gregerson, Berry, Fitzgibbon, Frame, Simmons, Ramel, Bateman, J. Johnson, Hackney, Chopp, Thai, Peterson, Santos, Orwall, Ortiz-Self, Ryu, Wicks, Lekanoff, Slatter, Berg, Senn, Harris-Talley, Ormsby and Pollet

Protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1236 was substituted for House Bill No. 1236 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1236 was read the second time.

With the consent of the House, amendments (364), (369), (373), (388), (389) and (390) were withdrawn.

Representative Dufault moved the adoption of amendment (362):

On page 7, beginning on line 17, after "tenant" strike all material through "periodic tenancy" on line 18

On page 7, line 19, after "section" insert "and in RCW 59.12.030"

On page 13, beginning on line 33, strike all of section 4

Re-number the remaining sections consecutively and correct any internal

references accordingly. Correct the title.

Representatives Dufault, Walsh, Sutherland, Caldier and Chambers spoke in favor of the adoption of the amendment.

Representatives Peterson and Macri spoke against the adoption of the amendment.

Amendment (362) was not adopted.

Representative Dufault moved the adoption of amendment (351):

On page 7, beginning on line 17, after "tenant" strike ", refuse to continue the tenancy, "

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

Representative Macri spoke against the adoption of the amendment.

Amendment (351) was not adopted.

Representative Caldier moved the adoption of amendment (359):

On page 7, line 19, after "in" strike "subsection (2)" and insert "subsections (2) and (3) "

On page 8, line 2, after "cause" insert "to evict"

On page 11, line 5, after "(3)" insert "The following reason listed in this subsection constitutes cause to refuse to continue a tenancy: The tenant has been required to register as a sex offender during the tenancy, or prior to the tenancy if not disclosed or otherwise known to the property owner at the beginning of the tenancy.

(4) "

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

Representatives Caldier, Peterson, Kraft, Dufault and Rude spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (359) and the amendment was adopted 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, Jinkins, Johnson, J., 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, and Young

Representative Caldier moved the adoption of amendment (360):

On page 7, line 19, after "in" strike "subsection (2)" and insert "subsections (2) and (3) "

On page 8, line 2, after "cause" insert "to evict"

On page 11, line 5, after "(3)" insert "The following reason listed in this subsection constitutes cause to refuse to continue a tenancy: The tenant has made unwanted sexual advances or other acts of sexual harassment directed at the property owner, property manager, property employee, or another tenant based on the person's race, gender, or other protected status.

(4) "

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

Representatives Caldier, Peterson and Dufault spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (360) and the amendment was adopted 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, Jinkins, Johnson, J., 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, and Young

Representative Ybarra moved the adoption of amendment (377):

On page 7, line 19, after "in" strike "subsection (2)" and insert "subsections (2) and (3)"

On page 8, line 2, after "cause" insert "to evict"

On page 11, line 5, after "(3)" insert "The following reason listed in this subsection constitutes cause to refuse to continue a tenancy: The tenant has stated verbally or in writing any derogatory remarks directed at the property owner, property manager, property employee, or another tenant based on the person's race, gender, or other protected status.

(4) "

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

Representatives Ybarra, Caldier, Walsh, Dufault, Hoff, Rude, Barkis and Dufault (again) spoke in favor of the adoption of the amendment.

Representatives Taylor and Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (377) and the amendment was not adopted by the following vote: Yeas: 47; Nays: 51; Absent: 0; Excused: 0

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

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier,

Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Rude moved the adoption of amendment (378):

On page 7, line 19, after "section" insert "and RCW 59.12.030"

On page 8, line 1, after "The" strike "following reasons listed in this subsection" and insert "reasons listed in this subsection and in RCW 59.12.030"

On page 16, at the beginning of line 13, strike "~~(A)~~ Except as limited by section 2 of this act relating to tenancies under chapter 59.18 RCW, a" and insert "A"

On page 17, line 20, after "(5)" strike "When" and insert

"~~(When)~~ Notwithstanding any provisions in section 2 of this act,
when"

Representatives Rude and Dufault spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (378) was not adopted.

Representative Gilday moved the adoption of amendment (370):

On page 7, line 19, after "section" insert "and RCW 59.12.030"

On page 8, line 1, after "The" strike "following reasons listed in this subsection" and insert "reasons listed in this subsection and in RCW 59.12.030"

On page 16, at the beginning of line 13, strike "~~(A)~~ Except as limited by section 2 of this act relating to tenancies under chapter 59.18 RCW, a" and insert "A"

On page 17, line 26, after "(6)" strike "A" and insert "~~(A)~~ Notwithstanding any provisions in section 2 of this act, a"

Representatives Gilday, Caldier, Dufault, Walsh and Dufault (again) spoke in favor of the adoption of the amendment.

Representatives Macri and Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (370) and the amendment was not adopted by the following vote: Yeas: 44; Nays: 54; Absent: 0; Excused: 0

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

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

Representative Chambers moved the adoption of amendment (381):

On page 7, line 19, after "section" insert "and RCW 59.12.030"

On page 8, line 1, after "The" strike "following reasons listed in this subsection" and insert "reasons listed in this subsection and in RCW 59.12.030"

On page 16, at the beginning of line 13, strike "~~(A)~~ Except as limited by section 2 of this act relating to tenancies under chapter 59.18 RCW, a" and insert "A"

On page 17, line 32, after "(7)" strike "When" and insert

"~~(when)~~ Notwithstanding any provisions in section 2 of this act,
when"

Representatives Chambers, Dufault, Robertson, Caldier, Barkis, Graham, Young, Caldier (again), Dufault (again), Chambers (again), Sutherland and Robertson (again) spoke in favor of the adoption of the amendment.

Representatives Hackney, Taylor and Macri spoke against the adoption of the amendment.

Amendment (381) was not adopted.

Representative Gilday moved the adoption of amendment (367):

On page 7, beginning on line 20, strike all of subsection (b)

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

On page 7, after line 38, insert the following:

"(e) The provisions of subsection (2) of this section shall apply only after the tenant has resided at the same property for more than two years."

Representatives Gilday, Dufault, Caldier and Walsh spoke in favor of the adoption of the amendment.

Representatives Kirby and Thai spoke against the adoption of the amendment.

Amendment (367) was not adopted.

There being no objection, the House deferred action on SUBSTITUTE HOUSE BILL NO. 1236, and the bill held its place on the second reading calendar.

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:

HOUSE BILL NO. 1296

HOUSE BILL NO. 1314

There being no objection, the House adjourned until 9:00 a.m., March 7, 2021, the 56th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY SIXTH DAY

House Chamber, Olympia, Sunday, March 7, 2021

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Emily Wicks, 38th Legislative District.

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

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

INTRODUCTION & FIRST READING

SSB 5004 by Senate Committee on Ways & Means (originally sponsored by Keiser, Warnick, Conway, Das, King, Kuderer, Saldaña, Wilson and C.)

AN ACT Relating to providing a tax exemption for medical marijuana patients; amending RCW 69.50.535; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

SB 5015 by Senators Hunt, Billig, Das, Dhingra, Hasegawa, Keiser, Kuderer, Nguyen, Wilson and C.

AN ACT Relating to fraudulent portrayal of ballot drop boxes; and amending RCW 29A.84.610.

Referred to Committee on State Government & Tribal Relations.

SB 5043 by Senators Salomon, Rolfes, Conway, Das, Hasegawa, Hunt, Kuderer, Lovelett, Saldaña, Wellman, Wilson and C.

AN ACT Relating to the provision of housing for school district employees; amending RCW 28A.335.240, 28A.335.250, 28A.335.130, and 82.29A.130; creating a new section; repealing RCW 28A.335.270; and providing an expiration date.

Referred to Committee on Capital Budget.

SB 5058 by Senators Rolfes and Van De Wege

AN ACT Relating to making technical changes to certain natural resources-related accounts; amending

RCW 77.36.170; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

E2SSB 5188 by Senate Committee on Ways & Means (originally sponsored by Kuderer, Nguyen, Conway, Darneille, Das, Dhingra, Hasegawa, Hunt, Liias, Lovelett, Stanford, Van De Wege, Wellman, Wilson and C.)

AN ACT Relating to the creation of the Washington state public financial cooperative; amending RCW 39.59.040, 42.56.270, 42.56.400, 43.10.067, and 43.84.080; reenacting and amending RCW 43.56.400; adding a new section to chapter 43.190 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

2SSB 5195 by Senate Committee on Ways & Means (originally sponsored by Liias, Muzzall, Das, Dhingra, Nguyen, Wilson and C.)

AN ACT Relating to opioid overdose reversal medication; amending RCW 70.41.480; adding a new section to chapter 70.41 RCW; adding a new section to chapter 71.24 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Appropriations.

ESSB 5263 by Senate Committee on Law & Justice (originally sponsored by Frockt, Pedersen, Das, Hasegawa, Hunt, Kuderer, Liias, Saldaña, Wellman, Wilson and C.)

AN ACT Relating to defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony; amending RCW 4.24.420; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5268 by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Braun and Nguyen)

AN ACT Relating to transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community

residential settings and redesigning the long-term nature of intermediate care facilities; amending RCW 43.88C.010; adding a new section to chapter 71A.18 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Appropriations.

2SSB 5293 by Senate Committee on Ways & Means (originally sponsored by Nobles, Darneille, Das, Dhingra, Hasegawa, Keiser, Lovelett, Nguyen, Rivers, Salomon, Van De Wege, Wilson and C.)

AN ACT Relating to mental health sentencing alternatives; amending RCW 9.94A.501, 9.94A.505, 9.94A.633, and 9.94A.6332; reenacting and amending RCW 9.94A.701; adding a new section to chapter 9.94A RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Public Safety.

ESSB 5295 by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle and Short)

AN ACT Relating to transforming the regulation of gas and electrical companies toward multiyear rate plans and performance-based rate making; amending RCW 80.28.005 and 80.28.068; adding new sections to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

E2SSB 5304 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Dhingra, Darneille, Das, Frockt, Hasegawa, Holy, Lovelett, Nguyen, Rivers and Wellman)

AN ACT Relating to providing reentry services to persons releasing from state and local institutions; amending RCW 74.09.670, 74.09.555, 9.94.049, 72.09.370, 71.24.470, 71.24.480, and 72.09.270; adding a new section to chapter 71.24 RCW; and creating new sections.

Referred to Committee on Appropriations.

ESSB 5357 by Senate Committee on Ways & Means (originally sponsored by Honeyford, King, Wagoner, Wellman, Wilson and L.)

AN ACT Relating to establishing the capital broadband investment acceleration program; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Capital Budget.

SSB 5361 by Senate Committee on Law & Justice (originally sponsored by McCune, Warnick, Wilson and J.)

AN ACT Relating to the resentencing of persons convicted of drug offenses; amending RCW 9.94A.519; providing an expiration date; and declaring an emergency.

Referred to Committee on Public Safety.

2SSB 5368 by Senate Committee on Ways & Means (originally sponsored by Short, Fortunato, Wilson and L.)

AN ACT Relating to encouraging rural economic development; amending RCW 36.70A.330; adding a new section to chapter 35A.14 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Appropriations.

ESSB 5405 by Senate Committee on Ways & Means (originally sponsored by Hasegawa, Conway, Lias, Nguyen, Saldaña, Wilson and C.)

AN ACT Relating to racial equity analysis for the joint legislative audit and review committee work; amending RCW 44.28.005; and adding a new section to chapter 44.28 RCW.

Referred to Committee on Appropriations.

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

The House resumed consideration of SUBSTITUTE HOUSE BILL NO. 1236 on second reading.

Representative Peterson moved the adoption of amendment (385):

On page 7, beginning on line 20, strike all of subsection (b) and insert the following:

"(b) Except where the premises are rented for an indefinite time on a month-to-month or periodic basis during the first year of occupancy, a landlord may terminate the tenancy without cause at the end of an initial lease term between three to 12 months upon at least 60 days' prior written notice, served in a manner consistent with RCW 59.12.040. If a landlord does not give at least 60 days' notice as provided in this subsection, the tenancy shall be construed to be a month-to-month tenancy until further agreement of the landlord and tenant, which can only be terminated for the

reasons listed as cause enumerated in subsection (2) of this section."

On page 11, line 4, after "chapter" insert ";

(m) A tenancy may be terminated upon the expiration of the term if the landlord gives the tenant notice in writing not less than 60 days prior to the ending date of the term, and:

(i) The tenant has committed four or more violations, other than one for monetary damages, of a substantial breach of one of the following: a material program requirement of subsidized housing, material term subscribed to by the tenant within the lease or rental agreement, or a tenant obligation imposed by law, within the preceding 12-month period and the landlord has given the tenant a written warning notice at the time of each violation;

(ii) Each written warning notice must:

(A) Specify the violation;

(B) Provide the tenant an opportunity to cure the violation;

(C) State that the landlord may choose to terminate the tenancy at the end of the term if there are four violations within a 12-month period preceding the end of the term; and

(D) State that correcting the fourth or subsequent violation is not a defense to termination under this subsection; and

(iii) The 60-day notice of termination must:

(A) State that the rental agreement will terminate upon the specified ending date for the term or upon a designated date not less than 60 days after the delivery of the notice, whichever is later;

(B) Specify the reason for the termination and supporting facts; and

(C) Be delivered to the tenant concurrent with or after the fourth or subsequent written warning notice.

(iv) The notice under this subsection must include all notices supporting the basis of termination;

(v) Any notices asserted under this subsection must pertain to four or more separate incidents or occurrences; and

(vi) Nothing in this subsection shall be construed to absolve a landlord from

demonstrating by admissible evidence that the four or more violations constituted breaches under subsection (2)(b) of this section at the time of the violation had the tenant not cured the violation"

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

Representatives Caldier, Dufault, Barkis and Walsh spoke against the adoption of the amendment.

Amendment (385) was adopted.

Representative Gilday moved the adoption of amendment (368):

On page 7, beginning on line 24, after "59.12.040." strike all material through "section." on line 28

Representatives Gilday, Dufault, Walsh, Graham, Kraft and Caldier spoke in favor of the adoption of the amendment.

Representatives Peterson, Macri and Taylor spoke against the adoption of the amendment.

Amendment (368) was not adopted.

Representative Dufault moved the adoption of amendment (352):

On page 7, beginning on line 29, strike all of subsection (c)

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

On page 13, beginning on line 33, strike all of section 4

Reorder the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Dufault, Caldier, Dufault (again) and Walsh spoke in favor of the adoption of the amendment.

Representatives Harris-Talley and Macri spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (352) and the amendment was not adopted by the following vote: Yeas: 45; Nays: 53; Absent: 0; Excused: 0

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

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

Representative Dufault moved the adoption of amendment (353):

On page 10, beginning on line 37, after "action" strike all material through "tenancy" on line 40

Representatives Dufault and Peterson spoke in favor of the adoption of the amendment.

Amendment (353) was adopted.

Representative Caldier moved the adoption of amendment (355):

On page 10, line 32, after "(1)" strike "(i)"

On page 10, beginning on line 37, after "action." strike all material through "chapter." on page 11, line 4

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

Representative Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (355) and the amendment was not adopted by the following vote: Yeas: 46; Nays: 52; Absent: 0; Excused: 0

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

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

Representative Gilday moved the adoption of amendment (371):

On page 11, line 4, after "chapter" insert ";

(m) The tenant remains in possession after causing damage to the property in excess of the tenant's security deposit"

Representatives Gilday, Dufault, Caldier, Dufault (again) and Kraft spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (371) was not adopted.

Representative Leavitt moved the adoption of amendment (372):

On page 11, line 4, after "chapter" insert ";

(m) The tenant continues in possession after having received a 60-day notice to quit for other good cause prior to the termination of the period or rental agreement and such cause constitutes a legitimate economic or business reason not covered or related to a basis for termination enumerated under this subsection. Where the landlord relies on this basis for termination of the tenancy, the court may stay any writ of restitution for up to 60 additional days for good cause shown, including difficulty procuring alternative housing. The court shall condition such a stay upon the tenant's continued payment of rent during the stay period. Upon granting such a stay, the court shall award court costs and fees as allowed under this chapter"

Representatives Leavitt and Caldier spoke in favor of the adoption of the amendment.

Representative Dufault spoke against the adoption of the amendment.

Amendment (372) was adopted.

Representative Klippert moved the adoption of amendment (384):

On page 11, line 4, after "chapter" insert ";

(m) The tenant continues in possession after using any nonprescription narcotic, including methamphetamine, if such usage is legalized"

Representatives Klippert, Kraft, Dufault, Caldier and Dent spoke in favor of the adoption of the amendment.

Representative Davis spoke against the adoption of the amendment.

Amendment (384) was not adopted.

Representative Vick moved the adoption of amendment (366):

On page 11, line 26, after "or" strike "four and one-half" and insert "three"

Representatives Vick, Peterson and Dufault spoke in favor of the adoption of the amendment.

Amendment (366) was adopted.

Representative Walsh moved the adoption of amendment (356):

On page 12, line 11, after "by" strike "~~((either party))~~ the tenant" and insert "either party"

On page 12, line 12, after "the" strike "~~((either))~~ landlord" and insert "other"

Representatives Walsh, Dufault and Sutherland spoke in favor of the adoption of the amendment.

Representative Bateman spoke against the adoption of the amendment.

Amendment (356) was not adopted.

Representative Dufault moved the adoption of amendment (354):

On page 17, after line 33, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 59.18 RCW to read as follows:

The requirements for terminating a residential tenancy for cause as set

forth in this act shall be the most restrictive requirements for terminating a tenancy within the state, and shall preempt any such local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law."

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

Correct the title.

Representatives Dufault, Caldier and Dufault (again) spoke in favor of the adoption of the amendment.

Representative J. Johnson spoke against the adoption of the amendment.

Amendment (354) was not adopted.

Representative Dufault moved the adoption of amendment (363):

On page 17, after line 33, insert the following:

"NEW SECTION. Sec. 7. For the purpose of limiting the reasons for termination of residential tenants' current leases by providing for elimination of past due rent and providing certainty for when chapter 59.18 RCW will be restored, the following is implemented:

(1) Any eviction moratorium currently in effect is hereby suspended.

(2)(a) A landlord may immediately initiate an action under RCW 59.12.030(4) upon acts in violation of RCW 59.18.130 and 59.18.140 by the tenant, guests of the tenant, and invitees of the tenant, occurring as of the effective date of this section.

(b) Beginning on the effective date of this section, a landlord must provide to a tenant who has delinquent rent and has not already agreed to a payment plan notice of the affidavit of COVID hardship and option of payment plan described in sections 8 through 10 of this act.

(3) Within seven days of receiving the landlord's notice under this section, a tenant must respond to the notice provided by a landlord by returning the affidavit of COVID hardship and entering into a payment plan described in section 8 of this act. If a tenant does not respond as described in this subsection, a landlord may serve a tenant with a 14-day notice pursuant to RCW 59.12.030(3).

(4) When a landlord serves a 14-day notice pursuant to RCW 59.12.030, the following notice packet must be served on the tenant: 14-day notice as required by RCW 59.18.057, the affidavit of COVID hardship, and the notice of payment plan options.

(5) All forms required by this act must comply with the requirements of RCW 59.18.058.

NEW SECTION. Sec. 8. For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented:

(1) Where there is any delinquency related to rent occurring between February 29, 2020, and June 30, 2021, a landlord must offer the tenant an option of payment plan consisting of a repayment schedule equal to or greater than payment of the outstanding debt in monthly payments of at least one-sixth of the outstanding debt owing, except where federal regulations require a different repayment schedule.

(2) A tenant's regular, contractual monthly rental payments must continue.

(3) All repayment plan agreements between a landlord and a tenant must be in writing.

(4) Any payment agreement entered into before the effective date of this section remains in full force and effect.

NEW SECTION. Sec. 9. For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented:

(1)(a) A tenant who has received notice under section 7 of this act must complete and return to his or her landlord an affidavit of COVID hardship within seven days of service of the notice packet described in section 7 of this act.

(b) The tenant must return the affidavit of COVID hardship to the landlord in person, by first-class mail, or by electronically sending a copy or photograph of the affidavit to the landlord.

(2) COVID hardship exists when a tenant has experienced at least one of the following hardships since February 29, 2020:

(a) Loss of income directly related to COVID;

(b) Extraordinary expenses directly related to health impacts of COVID;

(c) New care responsibilities for a child or an elderly, disabled, or sick family member directly related to COVID that limit the tenant's ability to earn income; or

(d) Extraordinary costs for child care or attending to an elderly, disabled, or sick family member directly related to COVID.

(3) A tenant whose household income exceeds 130 percent of the area median income for the county where the tenant resides may be required to provide additional documentation supporting the tenant's claim of financial distress with his or her affidavit of COVID hardship. If a tenant fails to submit this documentation together with his or her declaration of COVID-related financial distress, and does not either pay the amount demanded in the landlord's notice or deliver possession of the premises back to the landlord, the landlord may begin an unlawful detainer action against the tenant.

(4) A tenant completing the affidavit of COVID hardship must provide proof of hardship.

(5) If a tenant fails to complete and return the affidavit of COVID hardship to the landlord within the time frame set forth in subsection (1)(a) of this section, the landlord may commence an unlawful detainer action by filing a summons and complaint with the court pursuant to chapter 59.12 RCW.

(6) The affidavit of COVID hardship provided by the landlord must be in substantially the following form:

Date: _____
Tenant Name(s): ____
Tenant Address: ____
Landlord Name: ____
Landlord Address: _____

AFFIDAVIT OF COVID HARDSHIP AFFECTING PAYMENT OF RENT

The tenant must provide this signed document to the landlord within seven days of the date above.

I attest that the foregoing are true and correct:

(1) I am unable to pay my regular monthly rent for one of the following reasons:

(a) Loss of income directly related to COVID.

(b) Extraordinary expenses directly related to health impacts of COVID.

(c) Child care responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to COVID that limit my ability to earn income.

(d) Extraordinary costs for child care or attending to an elderly, disabled, or sick family member directly related to COVID.

(2) My income is less than 130 percent of the area median income for the county where I reside. (If the landlord alleges you earn more than 130 percent of area median income for the county where the rental property is located, you must provide information supporting your claim of COVID hardship.)

(3) A tenant completing the affidavit of COVID hardship must provide proof of hardship.

(4) I have used best efforts to obtain all available government assistance for rent or housing.

(5) I am using best efforts to make timely partial payments that are as close to the full payment as my circumstances may permit, taking into account other nondiscretionary expenses.

(6) I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected on rent due.

(7) I further understand that failure to provide this notice to my housing provider may require payment in full for all payments not made from February 29, 2020, to present and may make me subject to eviction pursuant to state and local laws.

The Washington state Office of the Attorney General has this notice in multiple languages on its website. You will also find information there on how to find a lawyer or advocate at low or no

cost and any available resources to help you pay your rent. Alternatively, for no-cost legal assistance for low-income renters contact your county's housing justice project, or, if none, a statewide organization providing housing advocacy services for low-income residents. You may find additional information to help you at <http://www.washingtonlawhelp.org>.

State law provides you the right to receive interpreter services at court.

Signature of Tenant:
Date:

NEW SECTION. **Sec. 10.** For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented:

(1) The emergency rental assistance grant program is created in the department of commerce to reimburse tenants and landlords for past due rental payments. Tenants or landlords may apply for grant assistance for reimbursement of past due rental payments owing by tenants.

(2) A tenant applying for a grant must self-certify that he or she has a COVID hardship as described in section 9 of this act.

(3) To be eligible for a grant, a tenant must have experienced or demonstrated a COVID hardship certified by an affidavit of COVID hardship as described in section 9 of this act.

(4) When a landlord applies for a grant award under this section, the department of commerce must notify the tenant of any grant awarded to a tenant of that landlord along with repayment requirements by tenant and acknowledgment that rent remains due and payable by tenant to landlord.

(5) Grant recipients shall receive 100 percent of total contract rental amount in arrears at the time of anticipated payment date, which shall occur not later than 15 days from date of application.

(6) The department of commerce must provide notification of rejection of application to both tenant and landlord, regardless of which party applied.

(7) Administrative costs associated with application, distribution, and other program activities of the department of commerce may not exceed five percent of the annual funds

available for the landlord mitigation program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

NEW SECTION. Sec. 11. For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented: The emergency rental assistance account is created in the state treasury. All receipts from sources directed to the emergency rental assistance grant program must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used solely for the purpose of the emergency rental assistance grant program as described in section 10 of this act.

NEW SECTION. Sec. 12. For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented: The sum of \$300,000,000, or as much thereof as may be necessary, is appropriated from the budget stabilization account for the fiscal year ending June 30, 2021, and is provided solely for expenditure into the emergency rental assistance grant program to implement the emergency rental assistance grant program described in section 6 of this act. For purposes of RCW 43.88.055(4), the appropriation in this section does not alter the requirement to balance in the ensuing biennium. All appropriated funds shall be distributed such that each county receives a percentage of total appropriated funds in proportion to each county's percentage of total state population.

NEW SECTION. Sec. 13. For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented: Sections 7 through 12 of this act expire one year after the effective date of this section."

Re-number the remaining sections consecutively and correct any internal references accordingly. Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (363).

SPEAKER'S RULING

"The title of the bill is an act relating to protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination.

Amendment (363) suspends any eviction moratorium currently in effect and establishes an emergency rental assistance grant program.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Caldier moved the adoption of amendment (386):

On page 17, line 34, after "This act" strike all material through "immediately" on line 37 and insert "takes effect on the first day following the expiration or termination of proclamation 20-19, and any subsequent orders extending or amending the proclamation, temporarily prohibiting residential evictions statewide on March 18, 2020"

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (386).

SPEAKER'S RULING

"The title of the bill is an act relating to protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination.

The bill specifies exclusive causes for eviction, refusal to renew, and termination of tenancies under the Residential Landlord-Tenant Act and makes other changes to rights and remedies.

Amendment (386) ties the effective date of the bill to the expiration or termination of a proclamation issued pursuant to the governor's statutory powers to prohibit certain activities during a state of emergency.

This legislative session over a dozen bills have been filed relating to the emergency powers of the governor and the executive branch. The wisdom or necessity of statutes granting authority to issue emergency orders and the wisdom or necessity of the emergency orders that have been issued pursuant to such statutes are topics separate and distinct from the issue presented in the bill before us – whether to expand tenant protections under the Residential Landlord-Tenant Act.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

The bill was ordered engrossed.

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

Representatives Macri, Taylor, Morgan, Ramel, Bateman and Stonier spoke in favor of the passage of the bill.

Representatives Caldier, Kraft, Schmick, Jacobsen, Abbarno, Gilday, Volz, Walsh, Eslick, Barkis, Sutherland, Corry, Chambers, Hoff, Dent, Dufault, Dye and Dufault (again) spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1236.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1236, and the bill passed the House by the following vote: Yeas: 54; Nays: 44; 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, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

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, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

HOUSE BILL NO. 1418, by Representatives Leavitt, Bronoske, Lovick, Ryu, Ortiz-Self, Gregerson, Shewmake, Ramel and Pollet

Enhancing rail safety governance by expanding the role of the utilities and transportation commission.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1418 was substituted for House Bill No. 1418 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1418 was read the second time.

Representative Leavitt moved the adoption of striking amendment (408):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that rail safety is critical to the impacts of the state's transportation network on public safety and the environment. On December 18, 2017, a passenger train derailed from a bridge near DuPont, Washington. Three passengers were killed and 57 passengers and crewmembers were injured. While the 2017 derailment had particularly tragic consequences, the risks to public safety and the environment are underscored by other rail incidents that have occurred in the past several years, including the freight train transporting oil derailment and resulting fire on June 3, 2016, in the Columbia river gorge, near Mosier, Oregon, while in route to Tacoma, Washington, and the derailment of a freight train transporting oil through Custer, Washington, in late 2020 that also resulted in a fire.

(2) The national transportation safety board issued an accident report on the 2017 derailment in early 2019. The report included recommendations for government agencies that participated in developing the new route related to improvements in safety oversight, coordination, and communication. In 2020, the joint transportation committee oversaw a rail safety governance study that provided an assessment and recommendations for how rail safety oversight, organizational structures and processes, and coordination activities could be modified to improve rail safety governance across the state.

(3) The legislature intends to build on the recommendations of the national transportation safety board and joint transportation committee reports to strengthen rail safety governance by expanding the utility and transportation commission's role in rail safety to include oversight of all rail transportation in the state to the extent permitted under federal law, including over implementation of new and materially

changed railroad operations and over the safety management practices of railroad operations. The legislature intends for this role to include promotion of safety and security of the public and rail employees, as well as protection of the environment, to the extent these goals can be furthered by the commission's expanded role.

(4) The legislature does not intend for the expanded role of the utility and transportation commission in rail safety to be funded through the assessment of fees on rail entities.

Sec. 2. RCW 81.04.540 and 2007 c 234 s 2 are each amended to read as follows:

(1)(a) The commission is authorized to oversee rail safety in the state to the extent permitted by federal law and is responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads, and for enforcing state and federal laws and regulations relating to transportation of persons or commodities, or both, of any nature or description by rail. The oversight of rail fixed guideway systems is governed by RCW 81.104.115 and as specified in (b) of this subsection. Rail safety oversight shall include, but is not limited to, the following:

(i) Oversight of the implementation of new and materially changed railroad operations and infrastructure for rail service through inspection, surveillance, and investigation, as permitted by federal law.

(ii) Oversight of the safety management practices for passenger railroad operations, as permitted by federal law. The department of transportation shall coordinate with the commission and Amtrak to facilitate the oversight of state passenger rail service to the extent permitted under federal law. The commission shall facilitate communication and collaboration between freight rail service providers to promote industry safety management practices.

(b)(i) In coordination with the department of transportation, the commission shall provide support and technical assistance in the oversight of the safety of rail fixed guideway systems carried out by the department under RCW 81.104.115, as permitted by federal law. The commission and its employees shall have no liability for any actions taken pursuant to this subsection performed to

support and provide technical assistance for any of the actions for which the department has no liability under RCW 81.104.115.

(ii) As the state agencies that oversee rail safety in the state, the commission and the department of transportation shall report annually to the transportation committees of the legislature, and to the governor's office, by December 1st of each year on the status of the department of transportation's safety oversight of rail fixed guideway systems. As part of this report, the agencies shall provide a joint assessment of the activities carried out in each of the areas specified in RCW 81.104.115 and as otherwise required by the federal transit administration in these and related areas, including: Investigations and enforcement; system safety program plan and system security and emergency preparedness plan oversight; compliance mechanisms in place for enforcement; auditing of system safety program plans and system security and emergency preparedness plans; investigations of reportable incidents, accidents, security breaches, hazards, and security vulnerability; and any associated rule adoption. The report shall include plans and recommendations for enhancing current activities in these areas.

(2) The commission shall cooperate with the federal government and the United States department of transportation, or its successor, or any other commission or agency delegated or authorized to regulate interstate or foreign commerce by common carriers, to the end that the transportation of property and passengers by common carriers in interstate or foreign commerce into and through the state of Washington may be regulated and that the laws of the United States and the state of Washington are enforced and administered cooperatively in the public interest.

~~((2))~~ (3) In addition to its authority concerning interstate commerce under this title, the commission may regulate common carriers in interstate commerce within the state under the authority of and in accordance with any act of congress that vests in or delegates to the commission such authority as an agency of the United States government or under an agreement with the United States department of

transportation, or its successor, or any other commission or agency delegated or authorized to regulate interstate or foreign commerce by common carriers.

~~((3) For the purpose of participating with the United States department of transportation in investigation and inspection activities necessary to enforce federal railroad safety regulations, the))~~ (4) The commission has regulatory jurisdiction over the safety practices for railroad equipment, facilities, rolling stock, and operations in the state, including authority to investigate and conduct inspections necessary to the enforcement of state railroad safety regulations, as permitted by federal law. This jurisdiction includes the authority to participate with the United States department of transportation in investigation and inspection activities necessary to enforce federal railroad safety regulations.

(5) The commission shall produce an annual report on rail safety in the state and provide it to the transportation committees of the legislature, including the joint transportation committee, and shall make this report available to the public. This report shall include information related to rail safety of rail fixed guideway systems.

(6) The commission shall promote rail safety through the facilitation of communication and collaboration among stakeholders with an interest in rail, including local jurisdictions, host and tenant railroads, and rail labor organizations. This communication and collaboration shall include communication and collaboration related to rail safety of rail fixed guideway systems.

(7) "Rail fixed guideway system," as used in this section, has the same meaning as defined in RCW 81.104.015.

Sec. 3. RCW 81.04.550 and 2007 c 234 s 3 are each amended to read as follows:

The commission shall administer the railroad safety provisions of this title to the fullest extent allowed under federal law, including 49 U.S.C. Sec. 20106, and state law.

NEW SECTION. Sec. 4. (1) To ensure this act is implemented upon its effective date and all systems, processes, and collaboration necessary to implement this act are in place, the

utilities and transportation commission may, prior to July 1, 2022:

(a) Adopt rules, policies, and procedures on railroad safety;

(b) Initiate the recruitment, training, and certification of personnel dedicated to railroad safety; and

(c) Facilitate stakeholder communications and outreach on key railroad safety initiatives, developments, and strategies.

(2) All rules adopted prior to July 1, 2022, shall have an effective date that is consistent with those in this act.

NEW SECTION. Sec. 5. Sections 1 through 3 of this act take effect July 1, 2022."

Correct the title.

Striking amendment (408) was adopted.

The bill was ordered engrossed.

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

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

MOTIONS

On motion of Representative Riccelli, Representative Ryu was excused.

On motion of Representative Griffey, Representative Chambers was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1418.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1418, and the bill passed the House by the following vote: Yeas: 89; Nays: 6; Absent: 1; Excused: 2

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul,

Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representatives Chandler, Dent, Dufault, Kraft, McEntire, and Walsh

Absent: Representative Shewmake

Excused: Representatives Chambers and Ryu

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1424, by Representatives Walen, Ybarra, Springer, Simmons, Ramel and Berg

Concerning consumer protection with respect to the sale of dogs and cats.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1424 was substituted for House Bill No. 1424 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1424 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 Walen and Berg spoke in favor of the passage of the bill.

Representative Vick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1424.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1424, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chandler, Dent, Dufault, Dye, Gilday, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Rude, Schmick, Shewmake, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 1424, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1314, by Representatives Young, Lovick, Dufault, Hackney, Bateman, Rule, Lekanoff, Pollet and Callan

Concerning veteran diversion from involuntary commitment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1314 was substituted for House Bill No. 1314 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1314 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 Davis, Young and Caldier 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 House Bill No. 1314.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1314, 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 HOUSE BILL NO. 1314, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418 passed the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1418, on reconsideration, and the bill passed the House by the following vote: Yeas: 91; Nays: 7; Absent: 0; Excused: 0

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

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

Voting nay: Representatives Chandler, Chase, Dent, Dufault, Kraft, McEntire, and Walsh

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418, on reconsideration, 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 Health Care & Wellness was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, and the bill was referred to the Committee on Housing, Human Services & Veterans.

There being no objection, the House adjourned until 12:00 p.m., March 8, 2021, the 57th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 8, 2021

The House was called to order at 12:00 p.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 Ed Orcutt, 20th Legislative District.

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

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

MESSAGE FROM THE SENATE

March 6, 2021

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5096,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5237,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

SECOND READING

HOUSE BILL NO. 1482, by Representatives Walsh, Orwall, Lekanoff, Leavitt, Sutherland, Jacobsen, Dufault and Pollet.)

Addressing foreclosure protections for homeowners in common interest communities.

The bill was read the second time.

Representative Orwall moved the adoption of striking amendment (403):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 64.90.485 and 2019 c 238 s 211 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3) (a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred

after the giving of the notice described in (a) (iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3) (a) (ii) shall not exceed two thousand dollars or an amount equal to the amounts described in (a) (i) of this subsection, whichever is less;

(iii) The amounts described in (a) (ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than sixty days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within sixty days of the written notice, submit the association payment of six months of assessments as described in (a) (i) of this subsection will result in the priority of the amounts described in (a) (ii) of this subsection; and

(iv) Upon payment of the amounts described in (a) (i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3) (a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within fifteen days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of

sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is

liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due

because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to ((at least three months of common expense assessments)) the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS

FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: Website:

The United States Department of Housing and Urban Development

Telephone: Website:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: Website:

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

((b)) (d) The board approves commencement of a foreclosure action specifically against that unit.

(22) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method,

advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 2. RCW 64.90.485 and 2021 c ... s 1 (section 1 of this act) are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority

under this subsection (3)(a)(ii) shall not exceed two thousand dollars or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than sixty days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within sixty days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate

contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of

those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within fifteen days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay

assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to

the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated

under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS

FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: Website:

The United States Department of Housing and Urban Development

Telephone: Website:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: Website:

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least (~~180~~) 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

(22) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1, 2024.

NEW SECTION. **Sec. 4.** Section 2 of this act takes effect January 1, 2024.

NEW SECTION. **Sec. 5.** Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Orwall and Walsh spoke in favor of the adoption of the striking amendment.

Striking amendment (403) was adopted.

The bill was ordered engrossed.

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

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

MOTION

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1482.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1482, 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, 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.

Excused: Representative Fey.

ENGROSSED HOUSE BILL NO. 1482, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1152, by Representatives Riccelli, Leavitt, Stonier, Ormsby, Lekanoff, Pollet, Bronoske and Bateman

Supporting measures to create comprehensive public health districts. Revised for 2nd Substitute: Establishing comprehensive health services districts.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1152 was substituted for House Bill No. 1152 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1152 was read the second time.

With the consent of the House, amendments (418) and (442) were withdrawn.

Representative Schmick moved the adoption of striking amendment (410):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that everyone in Washington state, no matter what community they live in, should be able to rely on a public health system that is able to support a standard level of public health service. Like public safety, there is a foundational level of public health delivery that must exist everywhere for services to work. A strong public health system is only possible with intentional investments into our state's public health system. Services should be delivered efficiently, equitably, and effectively, in ways that make the best use of technology, science, expertise, and leveraged resources and in a manner that is responsive to local communities.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall convene a foundational public health services steering committee. The steering committee must include members representing the department, the state board of health, federally recognized Indian tribes, and a state association representing local health jurisdictions. The department, state board of health, federally recognized Indian tribes, and

a state association representing local health jurisdictions may each select the members to represent their agency or organization and each may select a cochair. The department, federally recognized Indian tribes, and a state association representing local health jurisdictions must have an equal number of members represented on the steering committee. The maximum number of voting steering committee members is 24.

(2) The foundational public health services steering committee shall:

(a) Define the purpose and functions of the regional shared service centers, including:

(i) The duties and role of the regional shared service centers;

(ii) The potential services the regional shared service centers may provide;

(iii) The process for establishing regional shared service centers; and

(iv) How regional shared service centers should coordinate between other regional centers, local health jurisdictions and staff, tribes, and the department in planning and implementing shared services;

(b) Recommend the role and duties of the foundational public health services regional coordinator to the secretary;

(c) Identify the range of potential shared services coordinated or delivered through regional shared service centers;

(d) Determine the location of the four regional shared service centers, splitting the regional shared service centers evenly east and west of the Cascades;

(e) Develop standards and performance measures that the governmental public health system should aspire to meet; and

(f) Identify, if necessary, other personnel needed for regional shared service centers.

(3) Staff support for the foundational public health services steering committee must be provided by the department.

(4) Members of the foundational public health services steering committee that represent local health jurisdictions and federally recognized Indian tribes must be reimbursed for travel expenses as

provided in RCW 43.03.050 and 43.03.060. However, members that represent local health jurisdictions and federally recognized Indian tribes who travel fewer than 100 miles to attend a meeting are not eligible for state reimbursement under this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The public health advisory board is established within the department. The advisory board may:

(a) Advise and provide feedback to the governmental public health system and provide formal public recommendations on public health;

(b) Monitor the performance of the governmental public health system;

(c) Develop goals and a direction for public health in Washington and provide recommendations to improve public health performance and to achieve the identified goals and direction;

(d) Advise the secretary as requested;

(e) Coordinate with the governor's office, department, state board of health, and the secretary;

(f) Monitor the foundational public health services steering committee's performance and provide recommendations to the steering committee;

(g) Evaluate public health emergency response and provide recommendations for future response, including coordinating with relevant committees, task forces, and stakeholders to analyze the COVID-19 public health response;

(h) Evaluate the use of foundational public health services funding by the governmental public health system; and

(i) Apply the standards and performance measures developed by the foundational public health services steering committee to the governmental public health system.

(2) The public health advisory board shall consist of a representative from each of the following appointed by the governor:

(a) The governor's office;

(b) The director of the state board of health or the director's designee;

(c) The secretary of the department or the secretary's designee;

(d) The chair of the governor's interagency council on health disparities;

(e) Two representatives from the tribal government public health sector selected by the American Indian health commission;

(f) One eastern Washington county commissioner selected by a statewide association representing counties;

(g) One western Washington county commissioner selected by a statewide association representing counties;

(h) An organization representing businesses in a region of the state;

(i) A statewide association representing community and migrant health centers;

(j) A statewide association representing Washington cities;

(k) A local health official selected by a statewide association representing Washington local public health officials;

(l) A statewide association representing Washington hospitals, physicians, or nurses;

(m) A statewide association representing Washington public health or public health professionals; and

(n) A consumer nonprofit organization representing marginalized populations.

(3) In addition to the members of the public health advisory board listed in subsection (2) of this section, there must be four nonvoting ex officio members from the legislature consisting of one legislator from each of the two largest caucuses in both the house of representatives and the senate.

(4) Staff support for the public health advisory board, including arranging meetings, must be provided by the department.

(5) Legislative members of the public health advisory board may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement

for other nonlegislative members is subject to chapter 43.03 RCW.

(6) The public health advisory board is a class one group under chapter 43.03 RCW.

Sec. 4. RCW 43.70.515 and 2019 c 14 s 2 are each amended to read as follows:

(1) With any state funding of foundational public health services, the state expects that measurable benefits will be realized to the health of communities in Washington as a result of the improved capacity of the governmental public health system. Close coordination and sharing of services are integral to increasing system capacity.

(2) (a) ~~((Funding))~~ Except as provided in (c) of this subsection, funding for foundational public health services shall be appropriated to the office of financial management. The office of financial management may only allocate funding to the department if the department, after consultation with federally recognized Indian tribes pursuant to chapter 43.376 RCW, jointly certifies with a state association representing local health jurisdictions and the state board of health, to the office of financial management that they are in agreement on the distribution and uses of state foundational public health services funding across the public health system.

(b) If joint certification is provided, the department shall distribute foundational public health services funding according to the agreed-upon distribution and uses. If joint certification is not provided, appropriations for this purpose shall lapse.

(c) Of amounts appropriated for foundational public health services funding above \$30,000,000 per biennium, the department must allocate 65 percent to shared services, including establishing and operating the regional comprehensive public health district centers, the regional health officers, and the foundational public health services regional coordinators, unless the appropriations act specifies otherwise.

(3) By October 1, 2020, the department, in partnership with sovereign tribal nations, local health jurisdictions, and the state board of health, shall report on:

(a) Service delivery models, and a plan for further implementation of successful models;

(b) Changes in capacity of the governmental public health system; and

(c) Progress made to improve health outcomes.

(4) For purposes of this section:

(a) "Foundational public health services" means a limited statewide set of defined public health services within the following areas:

(i) Control of communicable diseases and other notifiable conditions;

(ii) Chronic disease and injury prevention;

(iii) Environmental public health;

(iv) Maternal, child, and family health;

(v) Access to and linkage with medical, oral, and behavioral health services;

(vi) Vital records; and

(vii) Cross-cutting capabilities, including:

(A) Assessing the health of populations;

(B) Public health emergency planning;

(C) Communications;

(D) Policy development and support;

(E) Community partnership development; and

(F) Business competencies.

(b) "Governmental public health system" means the state department of health, state board of health, local health jurisdictions, regional comprehensive public health district centers, sovereign tribal nations, and Indian health programs located within Washington.

(c) "Indian health programs" means tribally operated health programs, urban Indian health programs, tribal epidemiology centers, the American Indian health commission for Washington state, and the Northwest Portland area Indian health board.

(d) "Local health jurisdictions" means a public health agency organized under chapter 70.05, 70.08, or 70.46 RCW.

(e) "Regional comprehensive public health district centers" or "regional shared service centers" means a center established under section 6 of this act to provide coordination of shared public health services across the state in order to support local health jurisdictions.

(f) "Service delivery models" means a systematic sharing of resources and function among state and local governmental public health entities, sovereign tribal nations, and Indian health programs to increase capacity and improve efficiency and effectiveness.

NEW SECTION. Sec. 5. A new section is added to chapter 43.70 RCW to read as follows:

(1) Beginning October 1, 2022, and annually thereafter, the department, in consultation with federally recognized Indian tribes, local health jurisdictions, and the state board of health, shall submit to the appropriate committees of the legislature, the governor, and the public health advisory board a report of the distribution of foundational public health services funding as provided in RCW 43.70.515. The report must contain:

(a) A statement of the funds provided to the governmental public health system for the purpose of funding foundational public health services under RCW 43.70.515;

(b) A description of how the funds received by the governmental public health system were distributed and used; and

(c) The level of work funded for each foundational public health service and the progress of the governmental public health system in meeting standards and performance measures developed by the foundational public health services steering committee.

(2) The public health advisory board shall, each October 1st, make recommendations to the department, the foundational public health services steering committee, the legislature, and governor on the priorities for the governmental public health system and foundational public health services funding.

NEW SECTION. Sec. 6. A new section is added to chapter 70.05 RCW to read as follows:

(1) Four regional comprehensive public health district centers are established to coordinate shared services across local health jurisdictions and the state. The four regional comprehensive public health district centers must be split evenly between the east side of the Cascades and the west side of the Cascades and located as determined by the foundational public health services steering committee established in section 2 of this act.

(2) In addition to the duties and role of the regional comprehensive public health district centers determined by the foundational public health services steering committee authorized in section 2 of this act, the district centers may:

(a) Coordinate shared services across the governmental public health system;

(b) Provide public health services;

(c) Conduct an inventory of all current shared service agreements, both formal and informal, in the region;

(d) Identify potential shared services for the region; and

(e) Analyze options and alternatives for the implementation of shared service delivery across the region.

(3) Each regional comprehensive public health district center must have a foundational public health services regional coordinator. The regional coordinator must be an employee of the department. To the extent feasible, the department must give preference to candidates for the regional coordinator that are able to work out of the regional comprehensive public health district center that the coordinator will be assigned.

(4) By January 1, 2023, counties must establish a formal contractual relationship with one primary regional comprehensive public health district center that is on the same side of the Cascades as the county. A county may enter into formal or informal relationships with other regional comprehensive public health district centers. Federally recognized Indian tribes and 501(c)(3) organizations registered in Washington that serve American Indian and Alaska Native people within Washington may enter into formal or informal relationships with regional comprehensive public health district centers.

NEW SECTION. Sec. 7. A new section is added to chapter 43.70 RCW to read as follows:

(1) The position of regional health officer is created within the department. The regional health officers are deputies of the state health officer. The secretary shall appoint four regional health officers. One regional health officer west of the Cascades and one regional health officer east of the Cascades must be appointed by January 1, 2022. To the extent feasible, the secretary must give preference to candidates for the regional health officer who are able to work out of the regional comprehensive public health district center that the candidate will be assigned.

(2) Regional health officers may:

(a) Work in partnership with local health jurisdictions, the department, the state board of health, and federally recognized Indian tribes to provide coordination across counties;

(b) Provide support to local health officers and serve as an alternative for local health officers during vacations, emergencies, and vacancies; and

(c) Provide mentorship and training to new local health officers.

(3) A regional health officer must meet the same qualifications as local health officers provided in RCW 70.05.050.

Sec. 8. RCW 70.05.030 and 1995 c 43 s 6 are each amended to read as follows:

(1) In counties without a home rule charter, the board of county commissioners and the members selected under subsections (2) and (3) of this section, shall constitute the local board of health, unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of health shall be coextensive with the boundaries of said county.

(2)(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category

consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under this subsection (2) is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under this subsection (2) from one type of background or position.

(3) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal representative selected by the American Indian health commission.

(4) The board of county commissioners may, at its discretion, adopt an ordinance expanding the size and composition of the board of health to include elected officials from cities and towns and persons other than elected officials as members so long as (~~persons other than~~) the city and county elected officials do not constitute a majority of the total membership of the board. ((An))

(5) Except as provided in subsections (2) and (3) of this section, an ordinance adopted under this section shall include provisions for the appointment, term, and compensation, or reimbursement of expenses.

(6) The number of members selected under subsections (2) and (3) of this section must equal the number of city and county elected officials on the board of health.

(7) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees

may only be determined by the city and county elected officials on the board.

Sec. 9. RCW 70.05.035 and 1995 c 43 s 7 are each amended to read as follows:

(1) In counties with a home rule charter, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The membership of the local board of health must also include the members selected under subsections (2) and (3) of this section.

(2)(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as

having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under this subsection (2) is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under this subsection (2) from one type of background or position.

(3) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal representative selected by the American Indian health commission.

(4) The county legislative authority may appoint to the board of health elected officials from cities and towns and ~~((persons other than))~~ the city and county elected officials as members so long as persons other than elected officials do not constitute a majority of the total membership of the board. ~~((The))~~

(5) Except as provided in subsections (2) and (3) of this section, the county legislative authority shall specify the appointment, term, and compensation or reimbursement of expenses.

(6) The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(7) The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

(8) The number of members selected under subsections (2) and (3) of this section must equal the number of city and county elected officials on the board of health.

(9) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

Sec. 10. RCW 70.46.020 and 1995 c 43 s 10 are each amended to read as follows:

(1) Health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties.

(2) The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and members selected under subsections (3) and (4) of this section, and shall have a jurisdiction coextensive with the combined boundaries.

(3)(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the health district who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the health district; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of health district residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials, and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the health district:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the health district;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under this subsection (2) is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under this subsection (2) from one type of background or position.

(4) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the health district, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the health district, the board of health must include a tribal representative selected by the American Indian health commission.

(5) The boards of county commissioners may by resolution or ordinance provide for elected officials from cities and towns and persons other than elected officials as members of the district board of health so long as ((~~persons other than~~) the city and county elected officials do not constitute a majority of the total membership of the board. ((A))

(6) Except as provided in subsections (3) and (4) of this section, a resolution or ordinance adopted under this section must specify the provisions for the appointment, term, and compensation, or

reimbursement of expenses. (~~Any multicounty health district existing on the effective date of this act shall continue in existence unless and until changed by affirmative action of all boards of county commissioners or one or more counties withdraws [withdraw] pursuant to RCW 70.46.090.~~)

(7) At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(8) The number of members selected under subsections (3) and (4) of this section must equal the number of city and county elected officials on the board of health.

(9) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

Sec. 11. RCW 70.46.031 and 1995 c 43 s 11 are each amended to read as follows:

(1) (a) A health district to consist of one county may be created whenever the county legislative authority of the county shall pass a resolution or ordinance to organize such a health district under chapter 70.05 RCW and this chapter.

(b) The resolution or ordinance may specify the membership, representation on the district health board, or other matters relative to the formation or operation of the health district.

(c) In addition to the membership of the district health board determined through resolution or ordinance, the district health board must also include the members selected under subsections (2) and (3) of this section.

(2) (a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under this subsection (2) is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. If there are two members over the nearest multiple of three, each member over the nearest multiple of three must be selected from a different category. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under this subsection (2) from one type of background or position.

(3) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal representative selected by the American Indian health commission.

(4) The county legislative authority may appoint elected officials from cities and towns and persons other than elected officials as members of the health district board so long as (~~persons other than~~) the city and county elected officials do not constitute a majority of the total membership of the board.

(~~Any single county health district existing on the effective date of this act shall continue in existence unless and until changed by affirmative action of the county legislative authority.~~)

(5) The number of members selected under subsections (2) and (3) of this section must equal the number of city and county elected officials on the board of health.

(6) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

NEW SECTION. Sec. 12. A new section is added to chapter 43.20 RCW to read as follows:

(1) The state board of health shall adopt rules establishing the appointment process for the members of local boards of health who are not elected officials. The selection process established by the rules must:

(a) Be fair and unbiased; and

(b) Ensure, to the extent practicable, that the membership of local boards of health include a balanced representation of elected officials and nonelected people with a diversity of expertise and lived experience.

(2) The rules adopted under this section must go into effect no later than one year after the effective date of this section.

Sec. 13. RCW 70.05.130 and 1993 c 492 s 242 are each amended to read as follows:

All expenses incurred by the state, health district, or county in carrying out the provisions of (~~chapters 70.05 and~~) this chapter and chapter 70.46 RCW or any other public health law, (~~or~~) the rules of the department of health enacted under such laws, or enforcing proclamations of the governor during a public health emergency, shall be paid by the county and such expenses shall constitute a claim against the general fund as provided in this section.

Sec. 14. RCW 70.08.100 and 1949 c 46 s 10 are each amended to read as follows:

(1) Agreement to operate a combined city and county health department made under this chapter may after two years from the date of such agreement, be terminated by either party at the end of any calendar year upon notice in writing given at least six months prior thereto. The termination of such agreement shall not relieve either party of any obligations to which it has been previously committed.

(2) Before terminating such an agreement, the terminating party shall:

(a) Provide 12 months' notice and a meaningful opportunity for the public to comment on the termination including, but not limited to, at least two public meetings held at different locations within the county and the county and city must jointly conduct a third public

meeting within the boundaries of the partner city; and

(b) Participate in good faith in a mediation process with any affected county, city, or town that objects to the termination. The mediator must be appointed by the state board of health and be paid for by the party seeking termination.

Sec. 15. RCW 70.46.090 and 1993 c 492 s 251 are each amended to read as follows:

(1) Any county may withdraw from membership in said health district any time after it has been within the district for a period of two years, but no withdrawal shall be effective except at the end of the calendar year in which the county gives at least six months' notice of its intention to withdraw at the end of the calendar year. No withdrawal shall entitle any member to a refund of any moneys paid to the district nor relieve it of any obligations to pay to the district all sums for which it obligated itself due and owing by it to the district for the year at the end of which the withdrawal is to be effective. Any county which withdraws from membership in said health district shall immediately establish a health department or provide health services which shall meet the standards for health services promulgated by the state board of health. No local health department may be deemed to provide adequate public health services unless there is at least one full time professionally trained and qualified physician as set forth in RCW 70.05.050.

(2) Before terminating such an agreement, the terminating party shall:

(a) Provide 12 months' notice and a meaningful opportunity for the public to comment on the termination including, but not limited to, at least two public meetings held at different locations within the health district; and

(b) Participate in good faith in a mediation process with any affected county, city, or town that objects to the termination. The mediator must be appointed by the state board of health and be paid for by the party seeking termination.

NEW SECTION. Sec. 16. A new section is added to chapter 43.70 RCW to read as follows:

The department may adopt rules necessary to implement this act.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1)RCW 43.70.060 (Duties of department—Promotion of health care cost-effectiveness) and 1989 1st ex.s. c 9 s 108;

(2)RCW 43.70.064 (Health care quality—Findings and intent—Requirements for conducting study under RCW 43.70.066) and 1995 c 267 s 3;

(3)RCW 43.70.066 (Study—Uniform quality assurance and improvement program—Reports to legislature—Limitation on rule making) and 1998 c 245 s 72, 1997 c 274 s 3, & 1995 c 267 s 4;

(4)RCW 43.70.068 (Quality assurance—Interagency cooperation) and 1997 c 274 s 4 & 1995 c 267 s 5; and

(5)RCW 43.70.070 (Duties of department—Analysis of health services) and 1995 c 269 s 2202 & 1989 1st ex.s. c 9 s 109.

NEW SECTION. Sec. 18. Sections 8 through 11 of this act take effect July 1, 2022.

NEW SECTION. Sec. 19. If at least \$60,000,000 for the purposes of sections 2, 4 through 7, and 16 of this act, referencing sections 2, 4 through 7, and 16 of this act by bill or chapter number and section number, is not provided by June 30, 2021, in the omnibus appropriations act, sections 2, 4 through 7, and 16 of this act are null and void."

Correct the title.

Representative Riccelli moved the adoption of amendment (416) to the striking amendment (410):

On page 2, line 17 of the striking amendment, after "(e)" insert "Identify and develop foundational public health services funding recommendations that promote new service delivery models which leverage technical expertise to support local capacity building and centralized infrastructure;

(f) "

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

On page 3, line 14 of the striking amendment, after "(h)" insert "Approve

funding prioritization recommendations from the steering committee;

(i) "

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

On page 4, line 31 of the striking amendment, after "(c)" insert "and (d)"

On page 5, line 7 of the striking amendment, after "(c)" strike "Of" and insert "For fiscal years 2021 through 2023, of"

On page 5, line 8 of the striking amendment, after "funding" strike "above" and insert "that exceeds"

On page 5, after line 13 of the striking amendment, insert the following:

"(d) Beginning fiscal year 2024, of amounts appropriated for foundational public health services funding, the department must allocate funding for shared services as recommended by the foundational public health steering committee under section 2 of this act and approved by the public health advisory board under section 3 of this act."

On page 20, beginning on line 10 of the striking amendment, after "\$60,000,000" strike all material through "provided" on line 13 and insert "is not appropriated for the purposes of foundational public health services"

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

Amendment (416) to the striking amendment (410) was adopted.

Representative Riccelli moved the adoption of amendment (434) to the striking amendment (410):

Beginning on page 8, line 26, strike all of sections 8 through 11 and insert the following:

"**Sec. 8.** RCW 70.05.030 and 1995 c 43 s 6 are each amended to read as follows:

~~((1))~~ (1) Except as provided in subsection (2) of this section, in counties without a home rule charter, the board of county commissioners shall constitute the local board of health, unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of

health shall be coextensive with the boundaries of said county. The board of county commissioners may, at its discretion, adopt an ordinance expanding the size and composition of the board of health to include elected officials from cities and towns and persons other than elected officials as members so long as persons other than elected officials do not constitute a majority. An ordinance adopted under this section shall include provisions for the appointment, term, and compensation, or reimbursement of expenses.

(2) For counties without a home rule charter that have a population under 800,000, the board of county commissioners and the members selected under (a) and (e) of this subsection, shall constitute the local board of health, unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this

subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal representative selected by the American Indian health commission.

(f) The board of county commissioners may, at its discretion, adopt an ordinance expanding the size and composition of the board of health to include elected officials from cities and towns and persons other than elected officials as members so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, an ordinance adopted under this section shall include provisions for the appointment, term, and compensation, or reimbursement of expenses.

(h) The number of members selected under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health.

(i) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

Sec. 9. RCW 70.05.035 and 1995 c 43 s 7 are each amended to read as follows:

~~((1))~~ (1) Except as provided in subsection (2) of this section, in counties with a home rule charter, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The county legislative authority may appoint to the board of health elected officials from cities and towns and persons other than elected officials as members so long as persons other than elected officials do not constitute a majority. The county legislative authority shall specify the appointment, term, and compensation or reimbursement of expenses. The jurisdiction of the local board of health shall be coextensive with the boundaries of the county. The local health officer, as described in RCW 70.05.050, shall be

appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

(2) For home rule charter counties with a population under 800,000, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The membership of the local board of health must also include the members selected under (a) and (e) of this subsection.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who

have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal

representative selected by the American Indian health commission.

(f) The county legislative authority may appoint to the board of health elected officials from cities and towns and persons other than elected officials as members so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, the county legislative authority shall specify the appointment, term, and compensation or reimbursement of expenses.

(h) The jurisdiction of the local board of health shall be coextensive with the boundaries of the county.

(i) The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

(j) The number of members selected under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health.

(k) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

Sec. 10. RCW 70.46.020 and 1995 c 43 s 10 are each amended to read as follows:

~~((Health))~~ (1) Except as provided in subsection (2) of this section, health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties. The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and shall have a jurisdiction coextensive with the combined boundaries. The boards of county commissioners may by resolution or

ordinance provide for elected officials from cities and towns and persons other than elected officials as members of the district board of health so long as persons other than elected officials do not constitute a majority. A resolution or ordinance adopted under this section must specify the provisions for the appointment, term, and compensation, or reimbursement of expenses. Any multicounty health district existing on the effective date of this act shall continue in existence unless and until changed by affirmative action of all boards of county commissioners or one or more counties (~~(withdrews)~~) withdraw pursuant to RCW 70.46.090.

At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(2) For counties with a population under 800,000, health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties. The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and members selected under (a) and (e) of this subsection, and shall have a jurisdiction coextensive with the combined boundaries.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the health district who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the health district; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of health district residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials, and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the health district:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the health district;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the health district, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the health district, the board of health must include a tribal representative selected by the American Indian health commission.

(f) The boards of county commissioners may by resolution or ordinance provide for elected officials from cities and towns and persons other than elected officials as members of the district board of health so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) Except as provided in (a) and (e) of this subsection, a resolution or ordinance adopted under this section must specify the provisions for the appointment, term, and compensation, or reimbursement of expenses.

(h) At the first meeting of a district board of health the members shall elect a chair to serve for a period of one year.

(i) The number of members selected under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health.

(j) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

Sec. 11. RCW 70.46.031 and 1995 c 43 s 11 are each amended to read as follows:

((A)) (1) Except as provided in subsection (2) of this section, a health district to consist of one county may be created whenever the county legislative authority of the county shall pass a resolution or ordinance to organize such a health district under chapter 70.05 RCW and this chapter.

The resolution or ordinance may specify the membership, representation on the district health board, or other matters relative to the formation or operation of the health district. The county legislative authority may appoint elected officials from cities and towns and persons other than elected officials as members of the health district board so long as persons other than elected officials do not constitute a majority.

Any single county health district existing on the effective date of this act shall continue in existence unless and until changed by affirmative action of the county legislative authority.

(2) For counties with a population under 800,000, a health district to consist of one county may be created whenever the county legislative authority of the county shall pass a resolution or ordinance to organize such a health district under chapter 70.05 RCW and this chapter. The resolution or ordinance may specify the membership, representation on the district health board, or other matters relative to the formation or operation of the health district. In addition to the membership of the district health board determined through resolution or ordinance, the district health board must also include the members selected under (a) and (e) of this subsection.

(a) The remaining board members must be persons who are not elected officials and must be selected from the following categories consistent with the requirements of this section and the rules adopted by the state board of health under section 12 of this act:

(i) Public health, health care facilities, and providers. This category consists of persons practicing or employed in the county who are:

(A) Medical ethicists;

(B) Epidemiologists;

(C) Experienced in environmental public health, such as a registered sanitarian;

(D) Community health workers;

(E) Holders of master's degrees or higher in public health or the equivalent;

(F) Employees of a hospital located in the county; or

(G) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(I) Physicians or osteopathic physicians;

(II) Advanced registered nurse practitioners;

(III) Physician assistants or osteopathic physician assistants;

(IV) Registered nurses;

(V) Dentists;

(VI) Naturopaths; or

(VII) Pharmacists;

(ii) Consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: The special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. It is strongly encouraged that individuals from historically marginalized and underrepresented communities are given preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services; and

(iii) Other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

(A) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(B) The business community; or

(C) The environmental public health regulated community.

(b) The board members selected under (a) of this subsection must be approved by a majority vote of the board of county commissioners.

(c) If the number of board members selected under (a) of this subsection is evenly divisible by three, there must be an equal number of members selected from each of the three categories. If there are one or two members over the nearest multiple of three, those members may be selected from any of the three categories. If there are two members over the nearest multiple of three, each member over the nearest multiple of three must be selected from a different category. However, if the board of health demonstrates that it attempted to recruit members from all three categories and was unable to do so, the board may select members only from the other two categories.

(d) There may be no more than one member selected under (a) of this subsection from one type of background or position.

(e) If a federally recognized Indian tribe holds reservation, trust lands, or has usual and accustomed areas within the county, or if a 501(c)(3) organization registered in Washington that serves American Indian and Alaska Native people and provides services within the county, the board of health must include a tribal representative selected by the American Indian health commission.

(f) The county legislative authority may appoint elected officials from cities and towns and persons other than elected officials as members of the health district board so long as the city and county elected officials do not constitute a majority of the total membership of the board.

(g) The number of members selected under (a) and (e) of this subsection must equal the number of city and county elected officials on the board of health.

(h) Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board."

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

Amendment (434) to the striking amendment (410) was adopted.

Striking amendment (410) as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Riccelli, Schmick and Cody spoke in favor of the passage of the bill.

Representatives Volz, Goehner, Walsh and Chase 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 Second Substitute House Bill No. 1152.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1152, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

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

Excused: Representative Fey.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Second Substitute House Bill No. 1152.

Representative Dye, 9th District

SECOND READING

HOUSE BILL NO. 1457, by Representatives Wylie, Riccelli, Kloba, Santos, Slatter, Shewmake, Ramel and Hackney

Facilitating the installation of broadband facilities on limited access highways. Revised for 1st Substitute: Facilitating the installation of broadband facilities on limited access highways.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1457 was substituted for House Bill No. 1457 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1457 was read the second time.

Representative Wylie moved the adoption of striking amendment (393):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that broadband is an increasingly essential service necessary for economic development, reduction of use of roads and highways, delivery of medical services, education, and use of other technologies. The legislature also understands that maximizing the use of rights-of-way during construction or repair of transportation systems offers cost-effective opportunities for extending and improving broadband and high-speed internet connections throughout the state. It is the policy of the state to expedite the installation, improvement, and extension of broadband networks, and to remove barriers to cost-effective and expanded access to broadband networks.

Transportation activities can offer opportunities for these connections and it is a critical goal of the state to use the transportation system to facilitate and accelerate universal access through providing assistance in the development of necessary physical connections, increasing affordability of access, and formation of strategic partnerships. There is a need for both the near-term development of options and opportunities that can be applied within existing plans and mid and longer-term activities that can be undertaken to develop additional options and paths for the removal of barriers and to maximize the impact of actions to facilitate the expansion of broadband networks.

Sec. 2. RCW 47.52.001 and 2004 c 131 s 1 are each amended to read as follows:

(1) Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed.

(2) ~~((Personal wireless service))~~ Broadband, which includes a range of high-speed transmission technologies, including fiber optic lines and personal wireless service facilities, is a critical part of the state's infrastructure. The rapid deployment of ~~((personal wireless service))~~ broadband facilities is critical to ensure public safety, network access, quality of service, and rural economic development.

(3) It is, therefore, the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities, and to ~~((assure))~~ ensure that the use of rights-of-way of limited access facilities accommodate the deployment of ~~((personal wireless service))~~ broadband facilities consistent with these interests. In furtherance of this policy, the department is directed to adopt and maintain an agency policy that requires the department to proactively provide broadband facility owners with information about planned limited access highway projects to enable collaboration between broadband facility owners and the department to identify opportunities for the installation of broadband facilities during the appropriate phase of these projects when such opportunities exist. Coordination between the department and broadband facility owners under this section must comply with applicable state and federal law including, but not limited to, chapter 47.44 RCW and RCW 47.04.045.

Sec. 3. RCW 47.44.010 and 2001 c 201 s 5 are each amended to read as follows:

(1) The department of transportation may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas, oil or coal pipes, telephone, telegraph ~~((and))~~, fiber optic, electric light and power lines and conduits, trams or railways, and any structures or facilities that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the department of transportation, and any other such facilities. In order to minimize the disruption to traffic and damage to the

roadway, the department is encouraged to develop a joint trenching policy with other affected jurisdictions so that all permittees and franchisees requiring access to ground under the roadway may do so at one time.

(2) All applications for the franchise must be made in writing and subscribed by the applicant, and describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. The application must also include the identification of all jurisdictions affected by the franchise and the names of other possible franchisees who should receive notice of the application for a franchise.

(3) The department of transportation shall adopt rules providing for a hearing or an opportunity for a hearing with reasonable public notice thereof with respect to any franchise application involving the construction and maintenance of utilities or other facilities within the highway right-of-way which the department determines may (a) during construction, significantly disrupt the flow of traffic or use of driveways or other facilities within the right-of-way, or (b) during or following construction, cause a significant and adverse effect upon the surrounding environment.

NEW SECTION. Sec. 4. (1) Subject to the availability of amounts appropriated for this specific purpose in the omnibus transportation appropriations act, the joint transportation committee shall oversee a consultant study to recommend:

(a) An effective department of transportation strategy, and specific highway corridors, that could be used to address missing fiber connections and inadequate broadband service in parts of the state unserved and underserved by broadband facilities while also aiding the achievement of the state broadband goals specified in RCW 43.330.536. As part of this recommendation, the following areas must also be addressed:

(i) What the appropriate taxonomy to apply to areas unserved or underserved by broadband is to better prioritize and contextualize the urgency of the need for broadband infrastructure in a given area; and

(ii) When the inclusion of broadband conduit installation in a transportation project is recommended as the most effective means of facilitating

broadband access, rather than an alternative broadband facility placement, taking into account potential costs, and subject to any limitations in understanding potential costs of installation as part of a transportation project not yet undertaken;

(b) The role of the Washington state department of transportation in a coordinated approach for broadband development statewide that includes the adaptation of existing programs and activities to further a state initiative to expand and improve access to broadband;

(c) The most promising planning and financing tools that could be used by the department of transportation to provide the state with greater ability to install conduit in anticipation of future broadband fiber occupancy by others;

(d) Opportunities for mutually beneficial partnerships between the department of transportation and broadband providers that could provide broadband services for transportation purposes such as intelligent transportation systems, cooperative automated transportation/autonomous vehicles, transportation demand management, and highway maintenance activities; and

(e) Strategies for the mitigation of potential safety, operations, and preservation impacts to transportation related to the recommendations made in (a) through (d) of this subsection.

(2) The study must consider the most relevant best practices in other states and their potential application in Washington.

(3) The study must also include an examination of any state and federal laws and regulations that could prevent or limit the implementation of these recommendations, as well as recommendations for modifications to the applicable state laws and regulations and recommended federal actions that could be requested by Washington state legislators.

(4) The joint transportation committee shall consult with the department of transportation, the Washington statewide broadband office, and other state agencies and local jurisdictions, as necessary, during development of the study's recommendations to ensure the

relevance and applicability of the recommendations to the state.

(5) The joint transportation committee shall issue a report of its findings and recommendations to the house of representatives and senate transportation committees by January 1, 2022."

Correct the title.

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

Striking amendment (393) was adopted.

The bill was ordered engrossed.

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

Representatives Wylie, Barkis, Paul and Dye spoke in favor of the passage of the bill.

Representative Boehnke 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 House Bill No. 1457.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1457, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, 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, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chase, Kraft, Steele and Ybarra.

Excused: Representative Fey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1457, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1476, by Representatives Dolan, Sullivan, Ortiz-Self, Callan, Santos, Ryu, Shewmake, J. Johnson, Valdez, Eslick, Rule, Lekanoff, Stonier, Ramel, Tharinger, Peterson and Pollet

Addressing enrollment declines due to the COVID-19 pandemic. Revised for 1st Substitute: Enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1476 was substituted for House Bill No. 1476 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1476 was read the second time.

With the consent of the House, amendments (376) and (286) were withdrawn.

Representative Stokesbary moved the adoption of amendment (431):

On page 2, after line 35, after "enrollment" insert "and the school district is open for in-person instruction to all students by the beginning of the 2021-22 school year"

On page 2, line 39, after "enrollment" insert "and the school district is open for in-person instruction to all students by the beginning of the 2021-22 school year"

On page 2, after line 39, insert the following:

"(iii) For purposes of this section, "open for in-person instruction to all students" means that all students in all grades have the option to participate in at least 40 hours of planned in-person instruction per month and the school follows state department of health guidance and recommendations for resuming in-person instruction to the greatest extent practicable."

Representatives Stokesbary and Sullivan spoke in favor of the adoption of the amendment.

Amendment (431) was adopted.

The bill was ordered engrossed.

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

Representatives Dolan, Stokesbary and Dolan (again) spoke in favor of the passage of the bill.

Representatives Sutherland and Orcutt 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 House Bill No. 1476.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1476, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dye, Entenman, Eslick, 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, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Chandler, Dufault, Kraft, Orcutt, Sutherland and Vick.

Excused: Representative Fey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1476, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1161, by Representatives Peterson, Davis, Pollet and Thai

Modifying the requirements for drug take-back programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1161 was substituted for House Bill No. 1161 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1161 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 Peterson, Schmick and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1161.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1161, 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, 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.

Excused: Representative Fey.

SECOND SUBSTITUTE HOUSE BILL NO. 1161, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1372, by Representatives Lekanoff, Shewmake, Peterson, Dolan, J. Johnson, Slatter, Cody, Fitzgibbon, Lovick, Sells, Wicks, Kloba, Taylor, Valdez, Bateman, Wylie, Santos, Ormsby, Senn, Leavitt, Ybarra, Goodman, Ramel, Gregerson, Macri, Callan, Fey, Ramos, Pollet, Ryu, Berg and Simmons

Replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1372 was substituted for House Bill No. 1372 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1372 was read the second time.

Representative Rude moved the adoption of amendment (214):

On page 5, line 7, after "as" strike all material through "under" and insert "selected in accordance with"

On page 5, line 29, after "select" strike "the location" and "a county in Washington"

On page 5, line 32, after "state." insert "The county selected must be a county that contains the historical location of the Whitman mission. The legislative body of the county must approve the location within the county where the statue will be sited. After any unveiling ceremonies held pursuant to section 3 of the act are concluded, the governor, on behalf of the state, and the selected county shall enter into an agreement for the transfer of ownership of the Marcus Whitman statue as authorized under RCW 39.33.010. The governor shall coordinate with the legislative body of the selected county to carry out the relocation process."

Representatives Rude and Lekanoff spoke in favor of the adoption of the amendment.

Amendment (214) was adopted.

The bill was ordered engrossed.

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

Representatives Lekanoff, Volz, Ybarra, Rude, Klicker and Wilcox spoke in favor of the passage of the bill.

Representative Wilcox remarks on Final Passage of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372:

"Thank you, Madame Speaker and thank you for the opportunity to speak about someone who grew up in my district. Probably walked every foot of my district. And I know that those who are voting no today are doing it not out of any rancor. I want to acknowledge this. But out of respect of for our history. And I just want to share the respect I have for Billy Frank. I'm not someone who looks for great men and women to meet. I have never run to get into a picture with somebody. But I am profoundly fortunate to have accidentally met, possibly in the long sweep of history, the greatest man who was born in Washington.

I thought that we might hear a little bit more about Billy's history previously, but we didn't so I'm going to share a little bit of it. Billy grew up along the Nisqually river, down on the delta. About 4 or 5 miles, well maybe 10 miles downstream from where I grew up. He was involved in the struggles in the 60's and 70's to stand up for treaty rights. He talks to people in his autobiography and in interviews about the times that he was arrested, he called himself a 'getting arrested guy.' The times where he was beat up. He wasn't a hooligan. He wasn't an outlaw. He was standing up for rights that had been granted in an agreement in the 1850's and he was vindicated by the Supreme Court. But that's not why he's great, Madame Speaker, the things that he endured and the victories that he won. He's a great man, Madame Speaker, because after all that he went through, and I think it was very, very hard, harder than any of us can

imagine, he forgave. Madame Speaker, he didn't get bitter. He forgave everybody. He never gave up his struggle and he moved on to expand it. He was never bitter.

The reason that I know him is that he and my father, many years ago, were involved in a set of meetings about the future of the Nisqually river. And at one point, it looked like the federal government might take over the whole Nisqually river as a park. And if you know my father, you know how shattering that would've been for him. And there was a very contentious meeting that's been documented in CrossCut magazine and in Billy Frank's biography where Billy stood up and said, 'we have to stop this.' 'This is for all of us to get along. I want Weyerhaeuser to be here putting people to work and I want the farmers to be able to exist along the river. We're going to get along. We're not going to do this.' And they stood up and shook hands. In CrossCut they called that the handshake that changed history. He didn't have to do that, Madame Speaker, he could've been bitter. His ancestors walked on the ground that my Dad and I live on. He didn't covet that. He wanted bigger things, Madame Speaker. And he's been an example to the entire world. One of my most treasured memories in life is when I first was going to run for office. My Dad said, 'we've got to go talk to Billy.' We sat down in Yelm with Billy and George Walters. Billy didn't try to talk to me about politics much. But he had a life lesson that is among the most important things I've ever heard. He said, 'JT, I've accomplished things in my life. We, in the tribes have been 14-0 in court. We've reached a place now where if we think that there's an important issue, we can go to the legislature, someone will write a bill and it will probably get passed and the Governor will sign it. But that can all go away. It can go away tomorrow. The only thing that lasts is when you help the people on the other side understand your point of view.' And we joined hands in agreement. That's why he's a great man, Madame Speaker. Thank you for this bill."

Representative 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 House Bill No. 1372.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1372, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; 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, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, 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, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Klippert, McCaslin, Sutherland and Vick.

Excused: Representative Fey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372, having received the necessary constitutional majority, was declared passed.

MOTION

Representative Maycumber moved that the remarks of Representative Wilcox be spread upon the Journal.

The motion to spread the remarks of Representative Wilcox was adopted.

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 HOUSE BILL NO. 1223 and the bill was placed on the second reading calendar.

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

SECOND READING

HOUSE BILL NO. 1328, by Representatives Pollet and Ryu

Exempting information gathered for controlling diseases from public inspecting requirements.

The bill was read the second time.

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

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

Representatives Walsh, Sutherland 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 House Bill No. 1328.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1328, and the bill passed the House by the following vote: Yeas, 81; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan,

Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dent, Dufault, Eslick, Graham, Hoff, Kraft, McCaslin, McEntire, Robertson, Stokesbary, Sutherland, Vick, Walsh, Ybarra and Young.

HOUSE BILL NO. 1328, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1192, by Representatives Goodman and Dufault

Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025.

The bill was read the second time.

Representative Goodman moved the adoption of amendment (232):

On page 2, after line 17, insert the following:

"(5) Sections 104 through 108 of this act clarify references to the effective date of chapter 11.130 RCW."

On page 122, after line 33, insert the following:

"Sec. 104. RCW 11.130.040 and 2020 c 312 s 303 are each amended to read as follows:

(1) The court shall issue letters of guardianship to a guardian on filing by the guardian of an acceptance of appointment.

(2) The court shall issue letters of conservatorship to a conservator on filing by the conservator of an acceptance of appointment and filing of any required bond or compliance with any other verified receipt required by the court.

(3) Limitations on the powers of a guardian or conservator or on the property subject to conservatorship must be included on the form prescribed by RCW 11.130.660.

(4) The court at any time may limit the powers conferred on a guardian or conservator. The court shall issue new letters of office to reflect the limitation.

(5) A guardian or conservator may not act on behalf of a person under guardianship or conservatorship without valid letters of office.

(6) The clerk of the superior court shall issue letters of guardianship or conservatorship in or substantially in the same form as set forth in RCW 11.130.660.

(7) Letters of office issued to a guardian or conservator who is a nonresident of this state must include the name and contact information for the resident agent of the guardian or conservator, appointed pursuant to RCW 11.130.090(1)(c).

(8) This chapter does not affect the validity of letters of office issued under chapter 11.88 RCW prior to January 1, ~~((2021))~~ 2022.

Sec. 105. RCW 11.130.245 and 2020 c 312 s 111 are each amended to read as follows:

(1) This chapter does not affect the validity of any court order issued under chapter 26.10 RCW prior to ~~((January 1, 2021))~~ the repeal of chapter 26.10 RCW. Orders issued under chapter 26.10 RCW prior to ~~((January 1, 2021))~~ the repeal of chapter 26.10 RCW, remain in effect and do not need to be reissued in a new order under this chapter.

(2) All orders issued under chapter 26.10 RCW prior to the effective date of chapter 437, Laws of 2019 remain operative after the effective date of chapter 437, Laws of 2019. After the effective date of chapter 437, Laws of 2019, if an order issued under chapter 26.10 RCW is modified, the modification is subject to the requirements of this chapter.

Sec. 106. RCW 11.130.670 and 2020 c 312 s 225 are each amended to read as follows:

(1) The certified professional guardianship board must resolve grievances against professional guardians and/or conservators within a reasonable time for alleged violations of the certified professional guardianship board's standards of practice, statutes, regulations, or rules, that relate to the

conduct of a certified professional guardian or conservator.

(a) All grievances must initially be reviewed within thirty days by certified professional guardianship board members, or a subset thereof, to determine if the grievance is complete, states facts that describe a violation of the standards of practice, statutes, regulations, or rules, and relates to the conduct of a professional guardian and/or conservator, before investigating, requesting a response from the professional guardian or conservator, or forwarding to the superior courts. To be complete, grievances must provide sufficient details of the alleged conduct to demonstrate that a violation of the statute, regulation, standard of practice, or rule, relating to the conduct of a certified professional guardian or conservator could have occurred, the dates the alleged conduct occurred, and must be signed and dated by the person filing the grievance. Grievance investigations by the board are limited to the allegations contained in the grievance unless, after review by a majority of the members of the certified professional guardianship board, further investigation is justified.

(b) If the certified professional guardianship board determines the grievance is complete, states facts that allege a violation of the certified professional guardianship board's standards of practice, and relates to the conduct of a professional guardian and/or conservator, the certified professional guardianship board must forward that grievance within ten days to the superior court for that guardianship or conservatorship and to the professional guardian and/or conservator. The court must review the matter as set forth in RCW 11.130.140, and must direct the clerk of the court to send a copy of the order entered under this section to the certified professional guardianship board. The certified professional guardianship board must accept as facts any finding of fact contained in the order. The certified professional guardianship board must act consistently with any finding of fact issued in that order.

(2) Grievances received by the certified professional guardianship board must be investigated and the resolution determined and in process within one hundred eighty days of

receipt. The one hundred eighty days is tolled during any period of time when:

(a) The certified professional guardianship board has provided a certified professional guardian or conservator an opportunity to respond to a grievance against the certified professional guardian or conservator and the certified professional guardianship board is awaiting the certified professional guardian or conservator's response;

(b) The certified professional guardianship board has forwarded a grievance to the superior court for review under subsection (1)(b) of this section and is awaiting receipt of the court's entered order with findings; or

(c) A certified professional guardianship board disciplinary hearing has been requested or is in process and during the time of posthearing board review of the hearing officer's recommendations through issuance of a final certified professional guardianship board's order on the matter.

(3) If the grievance cannot be resolved within one hundred eighty days, the certified professional guardianship board must notify the professional guardian and/or conservator. The professional guardian or conservator may propose a resolution of the grievance with facts and/or arguments. The certified professional guardianship board may accept the proposed resolution or determine that an additional ninety days are needed to review the grievance. If the certified professional guardianship board has not resolved the grievance within the additional ninety days the professional guardian or conservator may:

(a) File a motion for a court order to compel the certified professional guardianship board to resolve the grievance within a reasonable time; or

(b) Move for the superior court to resolve the grievance instead of being resolved by the certified professional guardianship board.

(4) The superior court has authority to enforce the certified professional guardianship board's standards of practice in this article to the extent those standards are related to statutory or fiduciary duties of guardians and conservators.

(5) Any unresolved grievances filed with the certified professional guardianship board one year or more before January 1, (~~2021~~) 2022, must be forwarded to the superior court for that guardianship or conservatorship for review by the superior court as set forth in RCW 11.130.140 if the grievance is not in process of a hearing or final resolution.

Sec. 107. RCW 11.130.910 and 2019 c 437 s 804 are each amended to read as follows:

This chapter applies to:

(1) A proceeding for appointment of a guardian or conservator or for a protective arrangement instead of guardianship or conservatorship commenced after January 1, (~~2021~~) 2022; and

(2) A guardianship, conservatorship, or protective arrangement instead of a guardianship or conservatorship in existence on January 1, (~~2021~~) 2022, unless the court finds application of a particular provision of chapter 437, Laws of 2019 would substantially interfere with the effective conduct of the proceeding or prejudice the rights of a party, in which case the particular provision of chapter 437, Laws of 2019 does not apply and the superseded law applies.

NEW SECTION. **Sec. 108.** Sections 106 and 107 of this act take effect January 1, 2022."

Correct the title.

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

Representatives Walsh and Dufault spoke against the adoption of the amendment.

Amendment (232) was adopted.

The bill was ordered engrossed.

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

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

Representatives Dufault and Kraft spoke against the passage of the bill.

There being no objection, the House deferred action on ENGROSSED HOUSE BILL NO. 1192, and the bill held its place on the third reading calendar.

HOUSE BILL NO. 1515, by Representatives Peterson, Springer, Simmons, Santos, Taylor, Shewmake, Dufault, Barkis, Thai, Ormsby and Lekanoff

Concerning security deposit waiver fees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1515 was substituted for House Bill No. 1515 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1515 was read the second time.

Representative Caldier moved the adoption of striking amendment (420):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW to read as follows:

(1) Notwithstanding any other provision of law, if a landlord chooses to waive a security deposit requirement, and a tenant agrees to instead pay a fee in lieu of a security deposit, the landlord shall:

(a) Ensure that the fee in lieu of a security deposit is strictly optional for the tenant, and the tenant may choose to pay a full security deposit rather than a fee in lieu of a security deposit;

(b) Not use a prospective tenant's choice to pay a fee in lieu of a security deposit or a traditional security deposit as a criterion in the determination of whether to approve an application for occupancy;

(c) If choosing to offer the fee in lieu of a security deposit option, offer it to every prospective tenant whose application for occupancy has been approved, without further regard to income, race, gender, disability, sexual orientation, immigration status, size of household, or credit score following such approval;

(d) Allow any tenant that agrees to pay a fee in lieu of a security deposit, to opt out of the continuing fee in lieu of a security deposit obligation upon full payment of the security deposit that

is otherwise in effect for the tenant's apartment on the day of the opt out; and

(e) Disclose to the tenant in writing:

(i) The terms of any insurance coverage purchased by the landlord for unpaid rent and unit damage and paid for by the tenant through fees charged in lieu of a security deposit including, but not limited to, the amount of any cap on coverage, and costs excluded from such coverage; and

(ii) That the payment of the fee in lieu of a security deposit does not preclude the insurer or the landlord from proceeding against the tenant to recover sums for damage to the property for which the tenant is responsible together with reasonable attorneys' fees.

(2) A landlord found in violation of subsection (1) of this section shall be held liable to the tenant in a civil action up to two times the monthly rent of the real property at issue, as well as court or arbitration costs and reasonable attorneys' fees.

(3) Any fee in lieu of a security deposit:

(a) May be entirely or partially nonrefundable, so long as this is disclosed in the lease and separately acknowledged by the tenant;

(b) Does not constitute rent as defined in RCW 59.18.030, provided that nothing in this section shall preclude the landlord from proceeding in a civil action against, and the landlord shall have the right to proceed against, a tenant to recover unpaid fees;

(c) May be utilized by the landlord to purchase insurance coverage for unpaid rent or unit damage from a lawful insurer, provided that a landlord may not charge a fee that is more than the reasonable cost of obtaining and administering such insurance. As of July 1, 2024, all insurance policies relating to this section must be from insurance companies authorized to transact insurance in this state by the insurance commissioner;

(d) May be a recurring monthly fee, or payable upon any schedule and in any amount that the landlord and tenant choose, provided that the first month's fee is a nonrefundable fee as contemplated under RCW 59.18.610; and

(e) Shall not be considered by a court, arbitrator, mediator, or any other dispute resolution adjudicator to be a security deposit or governed by state or local codes governing security deposits, except that any action taken against a tenant to recover for costs of repairs, whether by the landlord or an insurer, shall be commenced within one year of the termination of the rental agreement or the tenant's abandonment of the premises and shall otherwise comply with the requirements in RCW 59.18.280 insofar as they relate to documentation of damages, standards for normal wear and tear, or other standards of proof required to make a claim against a deposit in RCW 59.18.280."

Correct the title.

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

Striking amendment (420) was adopted.

The bill was ordered engrossed.

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

Representatives Peterson, Barkis and Dufault 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 House Bill No. 1515.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1515, 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, Slater, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1232, by Representatives Barkis, Griffey, Eslick, Robertson and Young

Planning for affordable housing under the growth management act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1232 was substituted for House Bill No. 1232 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1232 was read the second time.

Representative Goehner moved the adoption of amendment (429):

On page 2, line 40, after "period." insert "The planning, development, and other requirements of this subsection related to duplexes, triplexes, and townhomes within an urban growth area boundary do not apply to a county or city that is not subject to the review and evaluation requirements of RCW 36.70A.215 if the county or city adopts findings and provides evidence that the current infrastructure within an urban growth area boundary is not capable of supporting such development or that there is little likelihood that infrastructure will be built to support such development within the 20-year planning period."

On page 11, line 9, after "requirements to" strike "provide for" and insert "consider"

On page 11, line 15, after "plans" insert ". The requirements of this subsection related to considering duplexes, triplexes, and townhomes within an urban growth area boundary do not apply to a county or city that is not subject to the review and evaluation requirements of RCW 36.70A.215 if the county or city has adopted findings and provided evidence as provided for in RCW 36.70A.070(2) that the current infrastructure within an urban growth area boundary is not capable of supporting such development or that there is little likelihood that infrastructure will be built to support such development within the 20-year planning period"

Representatives Goehner and Pollet spoke in favor of the adoption of the amendment.

Amendment (429) was adopted.

The bill was ordered engrossed.

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

Representatives Barkis, Pollet, Graham and Barkis (again) spoke in favor of the passage of the bill.

Representative Santos and Santos (again) 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 House Bill No. 1232.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1232, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

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

Voting nay: Representatives Callan, Chopp, Corry, Dolan, Dufault, Dye, Entenman, Harris-Talley, Jacobsen, Kraft, Lekanoff, Macri, McEntire, Ramos, Santos, Slatter, Stonier, Taylor, Thai, Valdez and Wicks.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1232, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1232.

Representative Corry, 14th District

SECOND READING

HOUSE BILL NO. 1241, by Representatives Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley and Pollet

Planning under the growth management act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1241 was substituted for House Bill No. 1241 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1241 was read the second time.

Representative Duerr moved the adoption of striking amendment (414):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.130 and 2020 c 113 s 1 and 2020 c 20 s 1026 are each reenacted and amended to read as follows:

(1) (a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations

shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440, provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals

shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsections (4) and (5) of this section, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) Except as otherwise provided in subsections (6) and (8) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2015, for King, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2016, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2017, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and

Yakima counties and the cities within those counties; and

(d) On or before June 30, 2018, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2024, and every ~~(eight)~~ ten years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2025, and every ~~(eight)~~ ten years thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2026, and every ~~(eight)~~ ten years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2027, and every ~~(eight)~~ ten years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.

(6)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a deadline established in subsection (5) (~~(a)(ii) through (iv)~~ [(b) through

~~(d)]~~) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (5) (~~(a)(ii) through (iv)~~ [(b) through ~~(d)]~~) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70A.135 RCW:

(i) Complying with the deadlines in this section; or

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas.

(b) A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8) (a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

(b) A county that has made the election under RCW 36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:

(i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;

(ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;

(iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

(iv) The adoption or amendment of development regulations is necessary to address a threat to human health or safety; or

(v) Three or more years have elapsed since the receipt of funding.

(c) Beginning ten years from the date of receipt of funding, a county that has made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed in accordance with the review and revision requirements and timeline in subsection (5) of this section. This subsection (8) (c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2) (c) (ii) that the watershed's goals and benchmarks for protection have been met.

(9) (a) Counties subject to planning deadlines established in subsection (5) of this section that meet either criteria of (a) (i) or (ii) of this subsection, and cities with a population of more than 6,000 as of January 1, 2021, within those counties, must provide to the department

an implementation progress report detailing the progress they have achieved in implementing their comprehensive plan five years after the review and revision of their comprehensive plan. This implementation progress report requirement applies only to counties that meet either of the following criteria on or after January 1, 2021:

(i) The county has a population density of at least 100 people per square mile and a population of at least 200,000; or

(ii) The county has a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management.

(b) The department shall adopt guidelines for indicators, measures, milestones, and criteria for use by counties and cities in the implementation progress report that must cover:

(i) The implementation of previously adopted changes to the housing element and any effect those changes have had on housing affordability and availability within the jurisdiction;

(ii) Permit processing timelines; and

(iii) Progress toward implementing any actions required to achieve reductions to meet greenhouse gas and vehicle miles traveled requirements as provided for in any element of the comprehensive plan under RCW 36.70A.070.

(c) If a city or county required to provide an implementation progress report under this subsection (9) has not implemented any specifically identified regulations, zoning and land use changes, or taken other legislative or administrative action necessary to implement any changes in the most recent periodic update in their comprehensive plan by the due date for the implementation progress report, the city or county must identify the need for such action in the implementation progress report. Cities and counties must adopt a work plan to implement any necessary regulations, zoning and land use changes, or take other legislative or administrative action identified in the implementation progress report and complete all work necessary for implementation within two years of submission of the implementation progress report.

Sec. 2. RCW 90.58.080 and 2011 c 353 s 13 are each amended to read as follows:

(1) Local governments shall develop or amend a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department in accordance with the schedule established by this section.

(2)(a) Subject to the provisions of subsections (5) and (6) of this section, each local government subject to this chapter shall develop or amend its master program for the regulation of uses of shorelines within its jurisdiction according to the following schedule:

(i) On or before December 1, 2005, for the city of Port Townsend, the city of Bellingham, the city of Everett, Snohomish county, and Whatcom county;

(ii) On or before December 1, 2009, for King county and the cities within King county greater in population than ten thousand;

(iii) Except as provided by (a) (i) and (ii) of this subsection, on or before December 1, 2011, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(iv) On or before December 1, 2012, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(v) On or before December 1, 2013, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(vi) On or before December 1, 2014, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(b) Nothing in this subsection (2) shall preclude a local government from developing or amending its master program prior to the dates established by this subsection (2).

(3)(a) Following approval by the department of a new or amended master program, local governments required to develop or amend master programs on or before December 1, 2009, as provided by subsection (2)(a)(i) and (ii) of this

section, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) of this section and shall not be required to complete master program amendments until the applicable dates established by subsection (4)(b) of this section. Any jurisdiction listed in subsection (2)(a)(i) of this section that has a new or amended master program approved by the department on or after March 1, 2002, but before July 27, 2003, shall not be required to complete master program amendments until the applicable date provided by subsection (4)(b) of this section.

(b) Following approval by the department of a new or amended master program, local governments choosing to develop or amend master programs on or before December 1, 2009, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) through (vi) of this section and shall not be required to complete master program amendments until the applicable dates established by subsection (4)(b) of this section.

(4)(a) Following the updates required by subsection (2) of this section, local governments shall conduct a review of their master programs at least once every ~~((eight))~~ ten years as required by (b) of this subsection. Following the review required by this subsection (4), local governments shall, if necessary, revise their master programs. The purpose of the review is:

(i) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(ii) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

(b) Counties and cities shall take action to review and, if necessary, revise their master programs as required by (a) of this subsection as follows:

(i) On or before June 30, 2019, and every ~~((eight))~~ ten years thereafter, for King, Pierce, and Snohomish counties and the cities within those counties;

(ii) On or before June 30, 2020, and every ~~((eight))~~ ten years thereafter, for Clallam, Clark, Island, Jefferson,

Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(iii) On or before June 30, 2021, and every (~~eight~~) ten years thereafter, for Benton, Chelan, Cowlitz, Douglas, (~~Grant~~) Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and

(iv) On or before June 30, 2022, and every (~~eight~~) ten years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) In meeting the update requirements of subsection (2) of this section, local governments are encouraged to begin the process of developing or amending their master programs early and are eligible for grants from the department as provided by RCW 90.58.250, subject to available funding. Except for those local governments listed in subsection (2)(a)(i) and (ii) of this section, the deadline for completion of the new or amended master programs shall be two years after the date the grant is approved by the department. Subsequent master program review dates shall not be altered by the provisions of this subsection.

(6) In meeting the update requirements of subsection (2) of this section, the following shall apply:

(a) Grants to local governments for developing and amending master programs pursuant to the schedule established by this section shall be provided at least two years before the adoption dates specified in subsection (2) of this section. To the extent possible, the department shall allocate grants within the amount appropriated for such purposes to provide reasonable and adequate funding to local governments that have indicated their intent to develop or amend master programs during the biennium according to the schedule established by subsection (2) of this section. Any local government that applies for but does not receive funding to comply with the provisions of subsection (2) of this section may delay the development or amendment of its master program until the following biennium.

(b) Local governments with delayed compliance dates as provided in (a) of

this subsection shall be the first priority for funding in subsequent biennia, and the development or amendment compliance deadline for those local governments shall be two years after the date of grant approval.

(c) Failure of the local government to apply in a timely manner for a master program development or amendment grant in accordance with the requirements of the department shall not be considered a delay resulting from the provisions of (a) of this subsection.

(7) In meeting the update requirements of subsection (2) of this section, all local governments subject to the requirements of this chapter that have not developed or amended master programs on or after March 1, 2002, shall, no later than December 1, 2014, develop or amend their master programs to comply with guidelines adopted by the department after January 1, 2003.

(8) In meeting the update requirements of subsection (2) of this section, local governments may be provided an additional year beyond the deadlines in this section to complete their master program or amendment. The department shall grant the request if it determines that the local government is likely to adopt or amend its master program within the additional year.

Sec. 3. RCW 90.58.080 and 2020 c 113 s 2 are each amended to read as follows:

(1) Local governments shall develop or amend a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department in accordance with the schedule established by this section.

(2)(a) Subject to the provisions of subsections (5) and (6) of this section, each local government subject to this chapter shall develop or amend its master program for the regulation of uses of shorelines within its jurisdiction according to the following schedule:

(i) On or before December 1, 2005, for the city of Port Townsend, the city of Bellingham, the city of Everett, Snohomish county, and Whatcom county;

(ii) On or before December 1, 2009, for King county and the cities within King county greater in population than ten thousand;

(iii) Except as provided by (a) (i) and (ii) of this subsection, on or before December 1, 2011, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(iv) On or before December 1, 2012, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(v) On or before December 1, 2013, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(vi) On or before December 1, 2014, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(b) Nothing in this subsection (2) shall preclude a local government from developing or amending its master program prior to the dates established by this subsection (2).

(3)(a) Following approval by the department of a new or amended master program, local governments required to develop or amend master programs on or before December 1, 2009, as provided by subsection (2)(a)(i) and (ii) of this section, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) of this section and shall not be required to complete master program amendments until the applicable dates established by subsection (4)(b) of this section. Any jurisdiction listed in subsection (2)(a)(i) of this section that has a new or amended master program approved by the department on or after March 1, 2002, but before July 27, 2003, shall not be required to complete master program amendments until the applicable date provided by subsection (4)(b) of this section.

(b) Following approval by the department of a new or amended master program, local governments choosing to develop or amend master programs on or before December 1, 2009, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) through (vi) of this section and shall not be required to complete master program amendments until the applicable

dates established by subsection (4)(b) of this section.

(4)(a) Following the updates required by subsection (2) of this section, local governments shall conduct a review of their master programs at least once every ~~((eight))~~ ten years as required by (b) of this subsection. Following the review required by this subsection (4), local governments shall, if necessary, revise their master programs. The purpose of the review is:

(i) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(ii) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

(b) Counties and cities shall take action to review and, if necessary, revise their master programs as required by (a) of this subsection as follows:

(i) On or before June 30, ~~((2029))~~ 2029, and every ~~((eight))~~ ten years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;

(ii) On or before June 30, ~~((2030))~~ 2030, and every ~~((eight))~~ ten years thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(iii) On or before June 30, ~~((2031))~~ 2031, and every ~~((eight))~~ ten years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and

(iv) On or before June 30, ~~((2032))~~ 2032, and every ~~((eight))~~ ten years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.

(5) In meeting the review requirements of subsection (4) of this section, local governments are encouraged to begin the process of developing or amending their master programs early and are eligible for grants from the department as provided by RCW 90.58.250, subject to

available funding. Except for those local governments listed in subsection (2)(a)(i) and (ii) of this section, the deadline for completion of the new or amended master programs shall be two years after the date the grant is approved by the department. Subsequent master program review dates shall not be altered by the provisions of this subsection.

(6) In meeting the review requirements of subsection (4) of this section, the following shall apply:

(a) Grants to local governments for reviewing master programs pursuant to the schedule established by this section shall be provided at least two years before the adoption dates specified in subsection (4) of this section. To the extent possible, the department shall allocate grants within the amount appropriated for such purposes to provide reasonable and adequate funding to local governments that have indicated their intent to develop or amend master programs during the biennium according to the schedule established by subsection (4) of this section. Any local government that applies for but does not receive funding to comply with the provisions of subsection (4) of this section may delay the development or amendment of its master program until the following biennium.

(b) Local governments with delayed compliance dates as provided in (a) of this subsection shall be the first priority for funding in subsequent biennia, and the periodic review compliance deadline for those local governments shall be two years after the date of grant approval.

(c) Failure of the local government to apply in a timely manner for a master program development or amendment grant in accordance with the requirements of the department shall not be considered a delay resulting from the provisions of (a) of this subsection.

(7) In meeting the update requirements of subsection (2) of this section, all local governments subject to the requirements of this chapter that have not developed or amended master programs on or after March 1, 2002, shall, no later than December 1, 2014, develop or amend their master programs to comply with guidelines adopted by the department after January 1, 2003.

(8) In meeting the review requirements of subsection (4) of this section, local governments may be provided an additional year beyond the deadlines in this section to complete their master program or amendment. The department shall grant the request if it determines that the local government is likely to adopt or amend its master program within the additional year.

Sec. 4. RCW 36.70A.040 and 2014 c 147 s 1 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and, until May 16, 1995, has had its population increase by more than ten percent in the previous ten years or, on or after May 16, 1995, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section. For the purposes of this subsection, a county not currently planning under this chapter is not required to include in its population count those persons confined in a correctional facility under the jurisdiction of the department of corrections that is located in the county.

Once a county meets either of these sets of criteria, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2)(a) The county legislative authority of any county that does not meet either of the sets of criteria

established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter, unless the county subsequently adopts a withdrawal resolution for partial planning pursuant to (b)(i) of this subsection.

(b)(i) Until December 31, 2015, the legislative authority of a county may adopt a resolution removing the county and the cities located within the county from the requirements to plan under this section if:

(A) The county has a population, as estimated by the office of financial management, of twenty thousand or fewer inhabitants at any time between April 1, 2010, and April 1, 2015;

(B) The county has previously adopted a resolution indicating its intention to have subsection (1) of this section apply to the county;

(C) At least sixty days prior to adopting a resolution for partial planning, the county provides written notification to the legislative body of each city within the county of its intent to consider adopting the resolution; and

(D) The legislative bodies of at least sixty percent of those cities having an aggregate population of at least seventy-five percent of the incorporated county population have not: Adopted resolutions opposing the action by the county; and provided written notification of the resolutions to the county.

(ii) Upon adoption of a resolution for partial planning under (b)(i) of this subsection:

(A) The county and the cities within the county are, except as provided otherwise, no longer obligated to plan under this section; and

(B) The county may not, for a minimum of ten years from the date of adoption of the resolution, adopt another resolution indicating its intention to have subsection (1) of this section apply to the county.

(c) The adoption of a resolution for partial planning under (b)(i) of this subsection does not nullify or otherwise modify the requirements for counties and cities established in RCW 36.70A.060, 36.70A.070(5) and associated development regulations, 36.70A.170, and 36.70A.172.

(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows:

(a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forestlands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forestlands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; ~~((and))~~ and (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county

legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forestlands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forestlands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and

development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

(7) Cities and counties planning under this chapter must amend the transportation element of the comprehensive plan to be in compliance with this chapter and chapter 47.80 RCW no later than December 31, 2000.

(8) A federally recognized Indian tribe may voluntarily choose to participate in the county or regional planning process and coordinate with the county and cities that are either required to comply with the provisions of this chapter pursuant to subsection (1) of this section or voluntarily choose to comply with the provisions of this chapter pursuant to subsection (2) of this section; provided, that collaboration and participation is a nonexclusive exercise of coordination and cooperation in the planning process and failure to exercise discretionary collaboration and participation shall not limit a party's standing for quasi-judicial or judicial review or appeal under this chapter.

(a) Upon receipt of notice in the form of a tribal resolution from a tribe whose reservation or ceded lands lie within the county, which indicates the tribe has a planning process or intends to initiate a parallel planning process, the county, cities and other local governments conducting the planning under this chapter shall enter into a memorandum of agreement with such tribes in regard to collaboration and participation in the planning process.

(b) Nothing in this subsection, any other provision in this chapter, or a tribe's decision to become a participating tribe for planning purposes, shall affect, alter, or limit in any way a tribe's authority, jurisdiction, or any treaty or other

rights it may have by virtue of its status as a sovereign Indian tribe.

(c) Nothing in this subsection or any other provision in this chapter shall affect, alter, or limit in any way, subject to a memorandum of agreement adopted in accordance with (a) of this subsection, a local government legislative body's authority to adopt and amend comprehensive land use plans and development regulations in accordance with this chapter.

Sec. 5. RCW 36.70A.080 and 2011 c 318 s 801 are each amended to read as follows:

(1) A comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:

- (a) Conservation;
- (b) Solar energy; ~~((and))~~
- (c) Recreation; and

(d) Container port elements. When including container port elements, a city shall collaborate with the federally recognized Indian tribe whose reservation is located within or adjacent to the lands subject to the container port element.

(2) A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.

(3)(a) Cities that qualify as a receiving city may adopt a comprehensive plan element and associated development regulations that apply within receiving areas under chapter 39.108 RCW.

(b) For purposes of this subsection, the terms "receiving city" and "receiving area" have the same meanings as provided in RCW 39.108.010.

Sec. 6. RCW 36.70A.106 and 2004 c 197 s 1 are each amended to read as follows:

(1) Each county and city proposing adoption of a comprehensive plan or development regulations under this chapter shall notify the department of its intent to adopt such plan or regulations at least sixty days prior to final adoption. State agencies including the department may provide comments to the county or city on the proposed comprehensive plan, or proposed

development regulations, during the public review process prior to adoption.

(2) Each county and city planning under this chapter shall transmit a complete and accurate copy of its comprehensive plan or development regulations to the department within ten days after final adoption.

(3)(a) Any amendments for permanent changes to a comprehensive plan or development regulation that are proposed by a county or city to its adopted plan or regulations shall be submitted to the department in the same manner as initial plans and development regulations under this section. Any amendments to a comprehensive plan or development regulations that are adopted by a county or city shall be transmitted to the department in the same manner as the initial plans and regulations under this section.

(b) Each county and city planning under this chapter may request expedited review for any amendments for permanent changes to a development regulation. Upon receiving a request for expedited review, and after consultation with other state agencies, the department may grant expedited review if the department determines that expedited review does not compromise the state's ability to provide timely comments related to compliance with the goals and requirements of this chapter or on other matters of state interest. Cities and counties may adopt amendments for permanent changes to a development regulation immediately following the granting of the request for expedited review by the department.

(c) A federally recognized Indian tribe may request to receive from the department copies of notices received from cities or counties under this section. Upon receipt of a submittal from a city or county under this section, the department shall forward the submittal to any tribe that has requested notification.

Sec. 7. RCW 36.70A.110 and 2017 c 305 s 1 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area

may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350. When a federally recognized Indian tribe whose reservation or ceded lands lie within the county or city has voluntarily chosen to participate in the planning process pursuant to RCW 36.70A.040, the county or city and the tribe shall coordinate their planning efforts for any areas planned for urban growth consistent with the terms outlined in the memorandum of agreement provided for in RCW 36.70A.040(8)(a).

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve. As part of this planning process, each city within the county must include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt

development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and under this section. Such action may be appealed to the growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

(8)(a) Except as provided in (b) of this subsection, the expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment that: (i) Is located west of the crest of the Cascade mountains; and (ii) has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

(b) Subsection (8)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;

(ii) Urban growth areas where expansions are precluded outside floodplains because:

(A) Urban governmental services cannot be physically provided to serve areas outside the floodplain; or

(B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or

(iii) Urban growth area expansions where:

(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the floodplain; or

(B) Urban development already exists within a floodplain as of July 26, 2009, and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; stormwater facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase stormwater runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) For the purposes of this subsection (8), "one hundred year floodplain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on July 26, 2009.

(9) If a county, city, or utility has adopted a capital facility plan or utilities element to provide sewer service within the urban growth areas during the twenty-year planning period, nothing in this chapter obligates counties, cities, or utilities to install sanitary sewer systems to properties within urban growth areas designated under subsection (2) of this section by the end of the twenty-year planning period when those properties:

(a)(i) Have existing, functioning, nonpolluting on-site sewage systems;

(ii) Have a periodic inspection program by a public agency to verify the on-site sewage systems function properly and do not pollute surface or groundwater; and

(iii) Have no redevelopment capacity;
or

(b) Do not require sewer service because development densities are limited due to wetlands, flood plains, fish and wildlife habitats, or geological hazards.

Sec. 8. RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education

and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) A federally recognized Indian tribe may formally request the department to enter into formal government-to-government consultation with the tribe regarding the tribe's concerns that the proposed plan or any amendment to the county's or city's plan may directly or indirectly injure rights reserved to the tribe under treaties, statutes, or federal trust obligations regarding lands or activities within the reservation of such tribe or rights reserved to the tribe in regard to lands ceded under a treaty. Upon receipt of a formal request to enter into formal government-to-government consultation from a tribe, the department shall enter into formal government-to-government consultation with the tribe for a period not to exceed 60 days. The department shall also notify the city or county of the request and 60-day period and the county or city shall delay any final action adopting any plan or amendment during that period. A county or city must not be penalized for noncompliance under this chapter due to any delays associated with the government-to-government consultation process. When the government-to-government consultation process is complete, the department shall provide comments to the county or city including a summary and supporting materials regarding the tribe's concerns and an offer to assist in providing formal mediation or dispute resolution prior to adoption of the proposed plan. Upon receipt of such notice and comments, the county or city may either agree to amend the plan as requested consistent with the comments of the department, or enter mediation with the tribe, which shall be arranged by the department

utilizing a suitable expert to be paid by the department.

(7) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

Sec. 9. RCW 36.70A.210 and 2009 c 121 s 2 are each amended to read as follows:

(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "countywide planning policy" is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a countywide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a countywide planning policy. In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a countywide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith.

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340.

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of ~~((community, trade, and economic development))~~ commerce to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction.

(e) No later than July 1, 1992, the legislative authority of each county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW 36.70A.040, shall adopt a countywide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed countywide planning policy.

(3) A countywide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW 36.70A.110;

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a countywide or statewide nature, including transportation facilities of statewide significance as defined in RCW 47.06.140;

(d) Policies for countywide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for countywide economic development and employment, which must include consideration of the future development of commercial and industrial facilities; and

(h) An analysis of the fiscal impact.

(4) Federal agencies and federally recognized Indian tribes ((may)) whose reservation or ceded lands lie within the county shall be invited to participate in and cooperate with the countywide planning policy adoption process. Adopted countywide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a countywide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW 36.70A.340. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a countywide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a countywide planning policy.

(6) Cities and the governor may appeal an adopted countywide planning policy to the growth management hearings board within sixty days of the adoption of the countywide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

NEW SECTION. Sec. 10. Section 2 of this act expires July 1, 2025.

NEW SECTION. Sec. 11. Section 3 of this act takes effect July 1, 2025."

Correct the title.

Representative Duerr moved the adoption of amendment (423) to the striking amendment (414):

On page 6, line 15 of the striking amendment, after "section" insert "that are required or that choose to plan under RCW 36.70A.040 and"

On page 6, at the beginning of line 21 of the striking amendment, strike all material through "meet" on line 22 and insert "Once a county meets the criteria in subsection (a)(i) or (ii) of this subsection, the implementation progress report requirements remain in effect thereafter for that county and the cities therein with populations greater than 6,000 as of January 1, 2021, even if the county later no longer meets either or both criteria. A county is subject to the implementation progress report requirement if it meets"

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

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

Amendment (423) to the striking amendment (414) was adopted.

By the adoption of striking amendment (414), striking amendment (436) was ruled out of order.

Representatives Duerr and Goehner spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (414) as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Duerr, Pollet and Goehner spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Hackney was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1241.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1241, and the bill passed the House by the following vote: Yeas: 56; Nays: 41; Absent: 0; Excused: 1

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

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

Excused: Representative Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1241, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1223, by Representatives Peterson, Simmons, Bateman, Sells, Davis, Lovick, Orwall, Ryu, Ortiz-Self, Senn, Dolan, Fitzgibbon, Ormsby, Gregerson, Hackney, Valdez, Macri and Frame

Enacting the uniform electronic recordation of custodial interrogations act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1223 was substituted for House Bill No. 1223 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1223 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 Peterson spoke in favor of the passage of the bill.

Representatives Robertson, Sutherland, Graham, Klippert and Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1223.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1223, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, 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, 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, Tharinger, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Hackney.

SUBSTITUTE HOUSE BILL NO. 1223, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1289, by Representatives Chambers, Kloba, Robertson, J. Johnson, Sutherland, Fitzgibbon, Chandler, Jacobsen, Ybarra, Rude, Boehnke, Barkis and Klicker

Concerning winery workforce development.

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 Chambers and Kloba 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 House Bill No. 1289.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1289, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

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

Fitzgibbon, Frame, Gilday, Goehner, Graham, Gregerson, Griffey, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, 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, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chopp, Davis, Goodman, Kraft, Leavitt and Thai.

Excused: Representative Hackney.

HOUSE BILL NO. 1289, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

With the consent of the House, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 1241 passed the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1241, on reconsideration, and the bill passed the House by the following vote: Yeas: 54; Nays: 43; Absent: 0; Excused: 1

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris-Talley, Jinkins, Johnson, J., 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, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

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

Excused: Representative Hackney

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1241, on reconsideration, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1370, by Representatives Callan, Shewmake, Davis, Ramos, Leavitt, Duerr, Senn, Wicks, Chopp, Bateman, Kloba, Macri, Ramel, Harris-Talley, Pollet, Rule and Goodman

Concerning grants for early learning facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1370 was substituted for House Bill No. 1370 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1370 was read the second time.

Representative Sullivan moved the adoption of amendment (264):

On page 3, after line 35, insert the following:

"Sec. 3. RCW 43.31.569 and 2017 3rd sp.s. c 12 s 4 are each amended to read as follows:

(1) The early learning facilities revolving account and the early learning facilities development account are created in the state treasury.

(2) Revenues to the early learning facilities revolving account shall consist of appropriations by the legislature, early learning facilities grant and loan repayments, taxable bond proceeds, and all other sources deposited in the account.

(3) Revenues to the early learning facilities development account shall consist of tax exempt bond proceeds.

(4) Expenditures from the accounts shall be used, in combination with other private and public funding, for state matching funds for the planning, renovation, purchase, and construction of early learning facilities as established in RCW 43.31.573 through 43.31.583 and 43.84.092.

(5) Expenditures from the accounts are subject to appropriation and the allotment provisions of chapter 43.88 RCW.

(6) The early learning facilities revolving account shall be known as the Ruth LeCocq Kagi early learning facilities revolving account.

(7) The early learning facilities development account shall be known as the Ruth LeCocq Kagi early learning facilities development account."

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

Correct the title.

Representatives Sullivan and Dent spoke in favor of the adoption of the amendment.

Amendment (264) was adopted.

The bill was ordered engrossed.

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

Representatives Callan, Steele, Eslick, Dent and Senn spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1370.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1370, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

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

Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, 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, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dye, Kraft, McCaslin, Schmick, Walsh and Young.

Excused: Representative Hackney.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1370, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., March 9, 2021, the 58th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 9, 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 Alicia Rule, 42nd Legislative District.

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

The Speaker assumed the chair.

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

INTRODUCTION & FIRST READING

ESSB 5096 by Senate Committee on Ways & Means (originally sponsored by Robinson, Hunt, Nguyen, Wilson and C.)

AN ACT Relating to enacting an excise tax on gains from the sale or exchange of certain capital assets; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Finance.

E2SSB 5237 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Dhingra, Das, Billig, Conway, Darneille, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Saldaña and Salomon)

AN ACT Relating to expanding accessible, affordable child care and early childhood development programs; amending RCW 43.216.075, 43.216.136, 43.216.505, 43.216.512, 43.216.556, 43.216.749, 43.216.090, 43.216.578, 43.216.710, 43.216.514, and 43.216.136; reenacting and amending RCW 43.216.010, 28B.50.248, 43.84.092, 43.84.092, and 43.84.092; adding new sections to chapter 43.216 RCW; adding a new section to chapter 43.330 RCW; creating new sections; repealing RCW 43.216.1365; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

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

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

SECOND READING

HOUSE BILL NO. 1213, by Representatives Senn, Chopp, Ramos, Bateman, Sells, Shewmake, Lekanoff, Peterson, Stonier, Duerr, Fitzgibbon, Berry, Rule, Davis, Wicks, Fey, Callan, Dolan, Frame, Lovick, Chapman, Ryu, Santos, Thai, Ortiz-Self, Orwall, Simmons, Slatter, Gregerson, Bergquist, Hackney, Valdez, Ramel, Riccelli, Macri, Goodman and Harris-Talley

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

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1213 was substituted for House Bill No. 1213 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1213 was read the second time.

With the consent of the House, amendments (441) and (440) were withdrawn.

Representative Eslick moved the adoption of amendment (432):

On page 4, after line 18, insert the following:

"(12) The legislature finds that child care must be a priority in Washington state, but imposing new taxes would hamper the state's economic recovery in the wake of the COVID-19 restrictions of 2020 and 2021. Therefore, the legislature intends to fund this act within existing resources in order to prioritize Washington's families without raising taxes."

On page 6, beginning on line 34, after "developed" strike "and revenue expanded"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (432).

SPEAKER'S RULING

"The title of the bill is an act relating to expanding accessible, affordable childcare and early childhood development programs.

The bill establishes an account for childcare and early learning purposes, modifies eligibility, as well as rates, training, grants and services for childcare and early learning programs, and expands services for certain children and their providers.

Amendment (432) contains a legislative finding on a separate subject, the impacts of taxation on economic recovery.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Senn moved the adoption of amendment (426):

On page 8, line 12, after "(c)" insert "The military spouse liaison created within the department of veterans affairs under RCW 43.60A.245;

(d) "

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

On page 12, at the beginning of line 21, strike "Beginning" and insert "By"

On page 12, at the beginning of line 23, strike "Beginning" and insert "By"

On page 12, at the beginning of line 25, strike "Beginning" and insert "By"

On page 12, at the beginning of line 27, strike "Beginning" and insert "By"

On page 12, at the beginning of line 29, strike "Beginning" and insert "By"

On page 16, beginning on line 1, after "a" strike all material through "year," on line 2 and insert "three to five year-old child who"

On page 16, line 23, after "(f)" strike "Beginning in the 2026-27 school year, is" and insert "Is"

On page 21, line 17, after "(1)" strike "The" and insert "Working in conjunction with the office of the superintendent of public instruction and providers, the"

On page 21, line 24, after "providers" strike "," and insert "and"

On page 25, line 3, after "with" strike "child care aware of Washington" and insert "the statewide child care resource and referral network"

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

Amendment (426) was adopted.

Representative Stokesbary moved the adoption of amendment (435):

On page 12, line 1, after "July 1," strike "2025" and insert "2021"

On page 12, line 9, after "July 1," strike "2025" and insert "2021"

On page 12, line 27, after "Beginning July 1," strike "2023" and insert "2021"

On page 12, line 29, after "Beginning July 1," strike "2025" and insert "2021"

On page 14, line 1, after "July 1," strike "2023" and insert "2021"

On page 20, line 16, strike all of subsection "(2)" and insert the following:

"(2) By July 1, 2021, child care subsidy base rates must achieve the 85th percentile of market for licensed or certified child care providers."

On page 21, line 5, strike all of subsection (1) and insert the following:

"(1) Beginning in the 2021-22 school year, rates must be set at a level at least ten percent higher than the rates established in section 225, chapter 415, Laws of 2019."

On page 30, after line 4, insert the following:

" PART V

APPROPRIATIONS

NEW SECTION. Sec. 501. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

General Fund—State Appropriation (FY 2022) \$62,502,000

General Fund—State Appropriation (FY 2023) \$93,753,000

General Fund—Federal Appropriation \$391,473,000

TOTAL APPROPRIATION\$547,728,000

The appropriation in this section is subject to the following conditions and limitations: \$33,474,000 of the general fund--state appropriation for fiscal year 2022 and \$53,143,000 of the general fund--state appropriation for fiscal year 2023 are provided solely for one thousand additional ECEAP slots in fiscal year 2022 and one thousand additional ECEAP slots in fiscal year 2023. Funding in this subsection is also provided to increase ECEAP slot rates by ten percent beginning July 1, 2021, as required in section 302 of this act."

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

Correct the title.

On page 50, beginning on line 33, strike all of section 603.

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

On page 51, beginning on line 22, strike all of section 612.

Correct the title.

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

Representative Bergquist spoke against the adoption of the amendment.

Amendment (435) was not adopted.

Representative Eslick moved the adoption of amendment (433):

On page 20, after line 5, insert the following:

"**Sec. 209.** 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 longitudinal analysis examining capacity for expansion of the early childhood education and assistance program as well as the effectiveness of the expansion required by section 204 of this act. Before July 1, 2026, the study shall focus on capacity and preparedness for expanding the program. After July 1, 2026, the institute must include an analysis of participants' kindergarten readiness and a cost-benefit analysis.

(b) The institute shall provide progress reports biennially to the governor and the appropriate committees of the legislature beginning December 31, 2024, with the final report due December 31, 2032."

On page 51, after line 2, insert the following:

"NEW SECTION. Sec. 605. Section 204 of this act expires August 1, 2033."

Re-number the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Eslick and Sutherland spoke in favor of the adoption of the amendment.

Representative Harris-Talley spoke against the adoption of the amendment.

Amendment (433) was not adopted.

Representative McCaslin moved the adoption of amendment (438):

On page 20, after line 5, insert the following:

"**Sec. 209.** RCW 43.216.085 and 2019 c 369 s 2 are each amended to read as follows:

(1) The department, in collaboration with tribal governments and community and statewide partners, shall implement a quality rating and improvement system, called the early achievers program. The early achievers program provides a foundation of quality for the early care and education system. The early achievers program is applicable to licensed or certified child care centers and homes and early learning programs such as working connections child care and early childhood education and assistance programs.

(2) The objectives of the early achievers program are to:

(a) Improve short-term and long-term educational outcomes for children as measured by assessments including, but not limited to, the Washington kindergarten inventory of developing skills in RCW 28A.655.080;

(b) Give parents clear and easily accessible information about the quality of child care and early education programs;

(c) Support improvement in early learning and child care programs throughout the state;

(d) Increase the readiness of children for school;

(e) Close the disparities in access to quality care;

(f) Provide professional development and coaching opportunities to early child care and education providers; and

(g) Establish a common set of expectations and standards that define, measure, and improve the quality of early learning and child care settings.

~~(3) ((a) Licensed or certified child care centers and homes serving nonschool-age children and receiving state subsidy payments must participate in the early achievers program by the required deadlines established in RCW 43.216.135.~~

~~(b) Approved early childhood education and assistance program providers~~

~~receiving state-funded support must participate in the early achievers program by the required deadlines established in RCW 43.216.515.~~

~~(e))~~ Participation in the early achievers program is voluntary for:

(i) Licensed or certified child care centers and homes (~~(not receiving state subsidy payments)~~); and

(ii) Early learning programs (~~(not receiving state funds)~~).

(d) School-age child care providers are exempt from participating in the early achievers program. By July 1, 2017, the department and the office of the superintendent of public instruction shall jointly design a plan to incorporate school-age child care providers into the early achievers program or other appropriate quality improvement system. To test implementation of the early achievers system for school-age child care providers the department and the office of the superintendent of public instruction shall implement a pilot program.

(4)(a) There are five primary levels in the early achievers program.

(b) In addition to the primary levels, the department must establish an intermediate level that is between level 3 and level 4 and serves to assist participants in transitioning to level 4.

(c) Participants are expected to actively engage and continually advance within the program.

(5) The department has the authority to determine the rating cycle for the early achievers program. The department shall streamline and eliminate duplication between early achievers standards and state child care rules in order to reduce costs associated with the early achievers rating cycle and child care licensing.

(a) Early achievers program participants may request to be rated at any time after the completion of all level 2 activities.

(b) The department shall provide an early achievers program participant an update on the participant's progress toward completing level 2 activities after the participant has been enrolled in the early achievers program for fifteen months.

(c) The first rating is free for early achievers program participants.

(d) Each subsequent rating within the established rating cycle is free for early achievers program participants.

(6)(a) Early achievers program participants may request to be rerated outside the established rating cycle. A rerating shall reset the rating cycle timeline for participants.

(b) The department may charge a fee for optional rerating requests made by program participants that are outside the established rating cycle.

(c) Fees charged are based on, but may not exceed, the cost to the department for activities associated with the early achievers program.

(7)(a) The department must create a single source of information for parents and caregivers to access details on a provider's early achievers program rating level, licensing history, and other indicators of quality and safety that will help parents and caregivers make informed choices. The licensing history that the department must provide for parents and caregivers pursuant to this subsection shall only include license suspension, surrender, revocation, denial, stayed suspension, or reinstatement. No unfounded child abuse or neglect reports may be provided to parents and caregivers pursuant to this subsection.

(b) The department shall publish to the department's web site, or offer a link on its web site to, the following information:

(i) Early achievers program rating levels 1 through 5 for all child care programs voluntarily enrolled in the program that receive state subsidy, early childhood education and assistance programs, and federal head start programs in Washington; and

(ii) New early achievers program ratings within (~~(thirty))~~ 30 days after a program becomes licensed or certified, or receives a rating.

(c) The early achievers program rating levels shall be published in a manner that is easily accessible to parents and caregivers and takes into account the linguistic needs of parents and caregivers.

(d) The department must publish early achievers program rating levels for child care programs that (~~do not receive state subsidy but~~) have voluntarily joined the early achievers program.

(e) Early achievers program participants who have published rating levels on the department's web site or on a link on the department's web site may include a brief description of their program, contingent upon the review and approval by the department, as determined by established marketing standards.

(8)(a) The department shall create a professional development pathway for early achievers program participants to obtain a high school diploma or equivalency or higher education credential in early childhood education, early childhood studies, child development, or an academic field related to early care and education.

(b) The professional development pathway must include opportunities for scholarships and grants to assist early achievers program participants with the costs associated with obtaining an educational degree.

(c) The department shall address cultural and linguistic diversity when developing the professional development pathway.

(9) The early achievers quality improvement awards shall be reserved for participants offering programs to an enrollment population consisting of at least five percent of children receiving a state subsidy.

(10) In collaboration with tribal governments, community and statewide partners, and the early achievers review subcommittee created in RCW 43.216.075, the department shall develop a protocol for granting early achievers program participants an extension in meeting rating level requirement timelines outlined for the working connections child care program and the early childhood education and assistance program.

(a) The department may grant extensions only under exceptional circumstances, such as when early achievers program participants experience an unexpected life circumstance.

(b) Extensions shall not exceed six months, and early achievers program

participants are only eligible for one extension in meeting rating level requirement timelines.

(c) Extensions may only be granted to early achievers program participants who have demonstrated engagement in the early achievers program.

(11)(a) The department shall accept national accreditation that meets the requirements of this subsection (11) as a qualification for the early achievers program ratings.

(b) Each national accreditation agency will be allowed to submit its most current standards of accreditation to establish potential credit earned in the early achievers program. The department shall grant credit to accreditation bodies that can demonstrate that their standards meet or exceed the current early achievers program standards. By December 1, 2019, and subject to the availability of amounts appropriated for this specific purpose, the department must submit a detailed plan to the governor and the legislature to implement a robust cross-accreditation process with multiple pathways that allows a provider to earn equivalent early achievers credit resulting from accreditation by high quality national organizations.

(c) Licensed child care centers and child care home providers must meet national accreditation standards approved by the department for the early achievers program in order to be granted credit for the early achievers program standards. Eligibility for the early achievers program is not subject to bargaining, mediation, or interest arbitration under RCW 41.56.028, consistent with the legislative reservation of rights under RCW 41.56.028(4)(d).

(12) The department shall explore the use of alternative quality assessment tools that meet the culturally specific needs of the federally recognized tribes in the state of Washington.

(13) A child care or early learning program that is operated by a federally recognized tribe and receives state funds (~~shall~~) may participate in the early achievers program. The tribe may choose to participate through an interlocal agreement between the tribe and the department. The interlocal agreement must reflect the government-to-government relationship between the

state and the tribe, including recognition of tribal sovereignty. The interlocal agreement must provide that:

(a) Tribal child care facilities and early learning programs may volunteer, but are not required, to be licensed by the department;

(b) Tribal child care facilities and early learning programs are not required to have their early achievers program rating level published to the department's web site or through a link on the department's web site; and

(c) Tribal child care facilities and early learning programs must provide notification to parents or guardians who apply for or have been admitted into their program that early achievers program rating level information is available and provide the parents or guardians with the program's early achievers program rating level upon request.

(14) The department shall consult with the early achievers review subcommittee on all substantial policy changes to the early achievers program.

(15) Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs under RCW 41.56.028(4)(d).

NEW SECTION. Sec. 210. RCW 43.216.135 (Child care providers—Subsidy requirements—Tiered reimbursements—Copayments.) and 2020 c 321 s 2 & 2020 c 279 s 1 are each repealed.

Sec. 211. RCW 43.216.515 and 2020 c 321 s 1 are each amended to read as follows:

(1) Approved early childhood education and assistance programs shall receive state-funded support through the department. Public or private organizations including, but not limited to, school districts, educational service districts, community and technical colleges, local governments, or nonprofit organizations, are eligible to participate as providers of the state early childhood education and assistance program.

(2) Funds obtained by providers through voluntary grants or contributions from individuals,

agencies, corporations, or organizations may be used to expand or enhance preschool programs so long as program standards established by the department are maintained.

(3) Persons applying to conduct the early childhood education and assistance program shall identify targeted groups and the number of children to be served, program components, the qualifications of instructional and special staff, the source and amount of grants or contributions from sources other than state funds, facilities and equipment support, and transportation and personal care arrangements.

~~(4) ((A new early childhood education and assistance program provider must complete the requirements in this subsection to be eligible to receive state-funded support under the early childhood education and assistance program.~~

~~(a) Enroll in the early achievers program within thirty days of the start date of the early childhood education and assistance program contract;~~

~~(b) (i) Except as provided in (b) (ii) of this subsection, rate at a level 4 or 5 in the early achievers program within twenty-four months of enrollment. If an early childhood education and assistance program provider rates below a level 4 within twenty-four months of enrollment, the provider must complete remedial activities with the department, and must rate at or request to be rated at a level 4 or 5 within twelve months of beginning remedial activities.~~

~~(ii) Licensed or certified child care centers and homes that administer an early childhood education and assistance program shall rate at a level 4 or 5 in the early achievers program within twenty-four months of the start date of the early childhood education and assistance program contract. If an early childhood education and assistance program provider rates below a level 4 within twenty-four months, the provider must complete remedial activities with the department, and must rate at or request to be rated at a level 4 or 5 within twelve months of beginning remedial activities.~~

~~(5) (a) If an early childhood education and assistance program provider has successfully completed all of the required early achievers program activities and is waiting to be rated by~~

~~the deadline provided in this section, the provider may continue to participate in the early achievers program as an approved early childhood education and assistance program provider and receive state subsidy pending the successful completion of a level 4 or 5 rating.~~

~~(b) To avoid disruption, the department may allow for early childhood education and assistance program providers who have rated below a level 4 after completion of the twelve-month remedial period to continue to provide services until the current school year is finished.~~

~~(c) (i) If the early childhood education and assistance program provider described under subsection (4) (b) (i) or (ii) of this section does not rate or request to be rated at a level 4 or 5 following the remedial period, the provider is not eligible to receive state-funded support under the early childhood education and assistance program under this section.~~

~~(ii) If the early childhood education and assistance program provider described under subsection (4) (b) (i) or (ii) of this section does not rate at a level 4 or 5 when the rating is released following the remedial period, the provider is not eligible to receive state-funded support under the early childhood education and assistance program under this section.~~

~~(6) (a) When an early childhood education and assistance program in good standing changes classroom locations to a comparable or improved space within the same facility, a rerating is not required outside of the regular rerating and renewal cycle.~~

~~(b) When an early childhood education and assistance program in good standing moves to a new facility, the provider must notify the department of the move within six months of changing locations in order to retain their existing rating. The early achievers program must conduct an observational visit to ensure the new classroom space is of comparable or improved environmental quality. If a provider fails to notify the department within six months of a move, the early achievers rating must be changed from the posted rated level to "Participating, Not Yet Rated" and the provider will cease to receive tiered reimbursement incentives until a new rating is completed.~~

~~(7))~~ The department shall collect data periodically to determine the demand for full-day programming for early childhood education and assistance program providers. The department shall analyze this demand by geographic region and shall include the findings in the annual report required under RCW 43.216.089.

~~((9))~~ (5) The department shall develop multiple pathways for licensed or certified child care centers and homes to administer an early childhood education and assistance program. ~~((The pathways shall include an accommodation for these providers to rate at a level 4 or 5 in the early achievers program according to the timelines and standards established in subsection (4) (b) (ii) of this section. The department must consider using the intermediate level that is between level 3 and level 4 as described in RCW 43.216.085, incentives, and front-end funding in order to encourage providers to participate in the pathway.))~~ "

Correct the title.

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

Representative Senn spoke against the adoption of the amendment.

Amendment (438) was not adopted.

Representative Dent moved the adoption of amendment (430):

On page 26, after line 14, insert the following:

"NEW SECTION. Sec. 313. (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

(e) 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."

Representatives Dent, Corry, Schmick, Dent (again) and Sutherland spoke in favor of the adoption of the amendment.

Representatives Senn, Slatter and Stonier spoke against the adoption of the amendment.

Amendment (430) was not adopted.

Representative McCaslin moved the adoption of amendment (437):

On page 26, after line 14, insert the following:

"**NEW SECTION. Sec. 313.** A new section is added to chapter 43.216 RCW to read as follows:

(1) Beginning July 30, 2021, the department shall grant all new child care providers an extended period of at least one year to meet licensing requirements not directly related to health and safety, including but not limited to staff to child ratio requirements and enrollment in the early achievers program.

(2)(a) The department shall analyze data from the last federal census to determine and make publicly available which zip codes in the state are in the top 10 percent of the most racially and ethnically diverse, considering the following groups:

(i) Black or African American;

(ii) American Indian and Alaska Native;

(iii) Native Hawaiian or other Pacific Islander;

(iv) Hispanic or Latinx;

(v) Asian; and

(vi) Other multiracial.

(b) Child care providers in these zip codes as determined by the department shall be exempt from indoor minimum space requirements and shall receive longer periods of at least 18 months to meet requirements listed in subsection (1) of this section.

(3) The department must adopt rules to implement this section."

Representatives McCaslin, McCaslin (again) and Dent spoke in favor of the adoption of the amendment.

Representatives Harris-Talley and Wicks spoke against the adoption of the amendment.

Amendment (437) was not adopted.

Representative Boehnke moved the adoption of amendment (421):

On page 30, after line 4, insert the following:

"PART V

APPROPRIATION

NEW SECTION. Sec. 501. The sum of eight million nine hundred thirty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2023, from the general fund--federal (CRRSA) to the department of children, youth, and families for the purposes of providing broadband access for 4,400 licensed child care providers serving 20,500 school-aged children."

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

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (421).

SPEAKER'S RULING

"The title of the bill is an act relating to expanding accessible, affordable childcare and early childhood development programs.

The bill establishes an account for childcare and early learning purposes, modifies eligibility, as well as rates, training, grants and services for childcare and early learning programs, and expands services for certain children and their providers.

Amendment (421) appropriates funds to provide broadband service.

Broadband service is a separate and distinct topic from the issue presented in the bill before us – whether to expand childcare and early childhood development programs.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Dent moved the adoption of striking amendment (439):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.216.556 and 2019 c 408 s 3 are each amended to read as follows:

(1) Funding for the program of early learning established under this chapter must be appropriated to the department. The department shall distribute funding to approved early childhood education and

assistance program contractors on the basis of eligible children enrolled.

(2) The program shall be implemented in phases, so that full implementation is achieved in the ~~((2022-23))~~ 2026-27 school year.

(3) Funding shall continue to be phased in each year such that the legislature funds at least an additional 1,000 ECEAP slots each year until full statewide implementation of the early learning program is achieved in the ~~((2022-23))~~ 2026-27 school year, at which time any eligible child is entitled to be enrolled in the program. Entitlement under this section is voluntary enrollment. The legislature must consider the increased demand for school day and working day slots when funding new ECEAP slots.

(4) School districts and approved community-based early learning providers may contract with the department to provide services under the program. The department shall collaborate with school districts, community-based providers, and educational service districts to promote an adequate supply of approved providers.

Sec. 2. RCW 43.216.749 and 2019 c 368 s 7 are each amended to read as follows:

CHILD CARE SUBSIDY RATES.

(1) ~~((By January 1, 2025, the department of children, youth, and families must))~~ It is the intent of the legislature to systemically increase child care subsidy rates over time until rates are equal to the full cost of providing high quality child care.

(2) By July 1, 2021, child care subsidy base rates must achieve the 85th percentile of market for licensed or certified child care providers.

(3) (a) The department shall build upon the work of the child care collaborative task force to develop and implement a child care cost estimate model and use the completed child care cost model ~~((developed under RCW 43.330.527 to determine child care subsidy rates.~~

~~(2) This section expires January 30, 2025))~~ to recommend subsidy rates at levels that are sufficient to compensate licensed or certified child care providers for the full costs of providing high quality child care. The department shall consider adjusting rates to reflect cost-of-living factors at the zip code

level, grouped by categories such as rural, suburban, or urban.

(b) The department shall build upon the work of the child care collaborative task force to evaluate options to support access to affordable health care insurance coverage for licensed or certified child care providers.

(c) Nothing in this chapter shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their choosing in order to establish wages or other conditions of work in excess of the applicable minimum under the provisions of this chapter.

NEW SECTION. Sec. 3. EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM RATES. (1) Beginning in the 2021-22 school year, rates must be set at a level at least ten percent higher than the rates established in section 225, chapter 415, Laws of 2019.

(2) It is the intent of the legislature that rate increases shall be informed by the department's 2020 early childhood education and assistance program rate study.

(3) This section expires June 30, 2027.

NEW SECTION. Sec. 4. TRAUMA-INFORMED CARE SUPPORTS. (1) By July 1, 2022, the department shall provide supports to aid eligible providers in providing trauma-informed care. Trauma-informed care supports may include:

(a) Additional compensation for staff who have an infant and early childhood mental health or other child development specialty credential;

(b) Trauma-informed professional development and training;

(c) The purchase of screening tools and assessment materials;

(d) Supportive services for children with complex needs that are offered as fee-for-service within local communities; or

(e) Other related expenses.

(2) The department must adopt rules to implement this section.

(3) For the purposes of this section, "eligible provider" means: (a) An employee or owner of a licensed or

certified child care center accepting state subsidy; (b) an employee or owner of a licensed family home provider accepting state subsidy; (c) a contractor or provider of the early childhood education and assistance program or birth to three early childhood education and assistance program; (d) a license-exempt child care program; or (e) an early achievers coach.

NEW SECTION. Sec. 5. INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION. (1) The department shall administer or contract for infant and early childhood mental health consultation services to child care providers and early learning providers participating in the early achievers program.

(2) Infant and early childhood mental health consultation services must be delivered in coordination with the consultants provided under RCW 43.216.090.

(3) The department shall provide, or contract with an entity to provide, reflective supervision and professional development for infant and early childhood mental health consultants to meet national competency standards.

(4) As capacity allows, the department may provide access to infant and early childhood mental health consultation services to caregivers and licensed or certified, military, and tribal early learning providers, license-exempt family, friend, and neighbor care providers, and families with children expelled or at risk of expulsion from child care.

Sec. 6. RCW 43.216.090 and 2019 c 360 s 7 are each amended to read as follows:

INFANT AND EARLY CHILDHOOD MENTAL HEALTH CONSULTATION.

((The)) By July 1, 2021, the department of children, youth, and families must have or contract for one infant and early childhood mental health consultation coordinator and must enter into a contractual agreement with an organization providing coaching services to early achievers program participants to hire ((one)) at least 12 qualified infant and early childhood mental health consultants ((for each of the six department-designated regions)). The department shall determine, in collaboration with child care aware of Washington, where the additional

consultants should be sited based on factors such as the total provider numbers overlaid with indicators of highest need. The infant and early childhood mental health consultants must support early achievers program coaches and child care providers by providing resources, information, and guidance regarding challenging behavior and expulsions and may travel to assist providers in serving families and children with severe behavioral needs. ((In coordination with the contractor, the department of children, youth, and families must report on the services provided and the outcomes of the consultant activities to the governor and the appropriate policy and fiscal committees of the legislature by June 30, 2021.))

NEW SECTION. Sec. 7. EARLY THERAPEUTIC AND PREVENTATIVE SERVICES.
 (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer early therapeutic and preventative services and programs, such as the early childhood intervention and prevention services program, and other related services for children who are:

(a) Between the ages of birth and five years; and

(b) Referred by a child welfare worker, a department of social and health services social worker, a primary care physician, a behavioral health provider, or a public health nurse due to: (i) Risk of child abuse or neglect; (ii) exposure to complex trauma; or (iii) significant developmental delays.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall make all reasonable efforts to deliver early therapeutic and preventative services and programs statewide. These services and programs must focus first on children and families furthest from opportunity as defined by income and be delivered by programs that emphasize greater racial equity.

Sec. 8. 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."

Correct the title.

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

Representatives Callan and Senn spoke against the adoption of the striking amendment.

Striking amendment (439) was not adopted.

The bill was ordered engrossed.

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

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

Representatives Dent, McCaslin, Chase, Schmick, Sutherland, Walsh and Caldier spoke against the passage of the bill.

MOTION

On motion of Representative Graham, Representatives Griffey and Kraft were excused.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1213.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1213, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2.

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

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

Excused: Representatives Griffey and Kraft.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1213, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1280, by Representatives Ramel, Duerr, Bateman, Fitzgibbon, Berry, Peterson, Goodman, Hackney, Frame, Macri, Pollet and Harris-Talley

Concerning greenhouse gas emissions reductions in the design of public facilities.

The bill was read the second time.

Representative Dye moved the adoption of amendment (302):

On page 2, line 26, after "1975." insert "The policy of the state to pursue energy conservation and greenhouse gas emissions reduction practices in the design of major publicly owned or leased facilities must be balanced with the pursuit of low-cost and least-risk design that ensures that Washington taxpayers derive the most longevity and utility from public facilities for the taxes they pay."

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

Representative Ramel spoke against the adoption of the amendment.

Amendment (302) was not adopted.

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

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

Representative Dye spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1280.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1280, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

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

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

Excused: Representatives Griffey and Kraft.

HOUSE BILL NO. 1280, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1170, by Representatives Boehnke, Paul, Walsh, Kloba, Shewmake, Santos, Springer, Dolan, Dye, Graham, Leavitt, McCaslin, Young, Walen, Riccelli, Bateman, Lovick, Lekanoff, Eslick, Frame, Barkis, Sutherland, Robertson and Dent

Building economic strength through manufacturing. Revised for 1st Substitute: Concerning building economic strength through manufacturing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1170 was substituted for House Bill No. 1170 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1170 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 Boehnke and Paul spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1170.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1170, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, 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.

Excused: Representatives Griffey and Kraft.

SUBSTITUTE HOUSE BILL NO. 1170, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1512, by Representative Ryu

Concerning lodging-related assessments under chapter 35.87A RCW.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1512 was substituted for House Bill No. 1512 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1512 was read the second time.

Representative Frame moved the adoption of amendment (167):

On page 8, after line 33, insert the following:

"**NEW SECTION. Sec. 4.** This act applies prospectively to any special assessment amounts collected by a lodging business as provided in section 1 of this act that are collected on or after the effective date of this section, as well as retroactively for any taxpayer who has been assessed taxes by the department of revenue prior to the effective date of this section, on any special assessment amounts collected by a lodging business as provided in section 1 of this act. Nothing in this act is intended to be construed to require or otherwise authorize a refund of taxes lawfully paid prior to the effective date of this section."

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

Correct the title.

Representatives Frame and Orcutt spoke in favor of the adoption of the amendment.

Amendment (167) was adopted.

The bill was ordered engrossed.

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

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

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1512.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1512, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, 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.

Excused: Representatives Griffey and Kraft.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1296, by Representatives Young, Thai, Robertson and Rule

Providing a business and occupation tax preference for behavioral health administrative services organizations.

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 Young and Thai spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1296.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1296, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, 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.

Excused: Representatives Griffey and Kraft.

HOUSE BILL NO. 1296, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1168, by Representatives Springer, Kretz, Fitzgibbon, Griffey, Riccelli, Lekanoff, Ramos, Callan, Harris-Talley, Dent and Klicker

Concerning long-term forest health and the reduction of wildfire dangers.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1168 was substituted for House Bill No. 1168 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1168 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 Springer, Kretz, Dufault, Ybarra and Riccelli spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1168.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1168, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, 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.

Excused: Representatives Griffey and Kraft.

SECOND SUBSTITUTE HOUSE BILL NO. 1168, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1250, by Representatives Orcutt, Ryu, Boehnke, Dufault and Riccelli

Designating Washington a purple heart state.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1250 was substituted for House Bill No. 1250 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1250 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 Orcutt and Leavitt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1250.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1250, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, 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.

Excused: Representatives Griffey and Kraft.

SUBSTITUTE HOUSE BILL NO. 1250, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

HOUSE BILL NO. 1330, by Representatives Shewmake, Ramel, Berry, Fitzgibbon, Duerr, Lovick, Rule, Lekanoff, Callan, Pollet, Macri and Slatter

Providing a retail sales and use tax exemption for the purchase of electric bicycles and related cycling equipment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1330 was substituted for House Bill No. 1330 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1330 was read the second time.

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

Representatives Shewmake and 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 Substitute House Bill No. 1330.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1330, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Graham, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Steele, Stonier, Sullivan, Thai, Tharinger, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Bronoske, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Entenman, Eslick, Gilday, Goehner, Gregerson, Harris, Hoff, Jacobsen, Klicker, Klippert, Kretz, Leavitt, Maycumber, McEntire, Ramos, Robertson, Schmick, Springer, Stokesbary, Sutherland, Taylor, Valdez, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Kraft.

SUBSTITUTE HOUSE BILL NO. 1330, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

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

THIRD READING

The House resumed consideration of ENGROSSED HOUSE BILL NO. 1192 on third reading.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1192, and the bill passed the House by the following vote: Yeas: 59; Nays: 37; Absent: 0; Excused: 2

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., 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, and Wylie

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

Excused: Representatives Griffey and Kraft

ENGROSSED HOUSE BILL NO. 1192, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1258, by Representatives Frame, Peterson, Dolan, Ryu, Leavitt, Simmons, Jacobsen, Lovick, Taylor, Fitzgibbon, Fey, Ramel, Ortiz-Self, Shewmake, J. Johnson, Bateman, Eslick, Ramos, Davis, Thai, Santos, Chambers, Wylie, Callan, Wicks, Rule, Sutherland, Chase, Macri, Gregerson, Slatter, Berg and Riccelli

Concerning the operation, authorization, and permitting of microenterprise home kitchens.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1258 was substituted for House Bill No. 1258 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1258 was read the second time.

Representative MacEwen moved the adoption of amendment (307):

On page 13, line 21, after "51.08.175" strike "," and insert "and"

On page 13, beginning on line 21, after "51.08.173" strike all material through "employees" on line 22

Representatives MacEwen and Pollet spoke in favor of the adoption of the amendment.

Amendment (307) was adopted.

Representative Frame moved the adoption of amendment (447):

On page 13, line 34, after "7" strike "and 12" and insert ", 12, and 14"

On page 14, after line 5, insert the following:

"NEW SECTION. **Sec. 14.** The obligation of local governments to comply with the requirements established in Sections 2 through 6 of this act is contingent on the provision of state funding to local governments for the specific purpose of complying with these requirements."

Correct the title.

Representatives Frame and Goehner spoke in favor of the adoption of the amendment.

Amendment (447) was adopted.

The bill was ordered engrossed.

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

Representatives Frame and Goehner spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1258.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1258, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2.

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

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Cody, Corry, Dent, Dufault, Dye, Gilday, Goodman, Graham, Harris, Hoff, Kirby, Klicker, Klippert, Kretz, MacEwen, Maycumber, McCaslin, McEntire,

Morgan, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Stokesbary, Sutherland, Tharinger, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Kraft.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1258, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1015, by Representatives Maycumber, Chapman, Tharinger, Graham, Santos and Macri

Creating the Washington equitable access to credit act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1015 was substituted for House Bill No. 1015 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1015 was read the second time.

With the consent of the House, amendment (412) was withdrawn.

Representative Maycumber moved the adoption of amendment (446):

On page 3, beginning on line 33, after "(d)" strike all material through "costs" on line 34 and insert "Beginning in fiscal year 2022, up to five percent of the program revenues may be used for all agencies' staffing and other administrative costs related to the implementation of this act. In the event that the statewide limit in section 2(3) of this act is not reached, the percentage used for administration may be increased as necessary to maintain normal staffing operations, not to exceed ten percent"

On page 7, line 2, after "program" insert "and administrative costs pursuant to section 3 of this act"

Representatives Maycumber and Frame spoke in favor of the adoption of the amendment.

Amendment (446) was adopted.

Representative Pollet moved the adoption of amendment (411):

On page 5, line 33, after "(a)" strike "An anonymized" and insert "A"

Representatives Pollet and Maycumber spoke in favor of the adoption of the amendment.

Amendment (411) was adopted.

The bill was ordered engrossed.

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

Representatives Maycumber and Frame spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1015.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1015, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

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, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, 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, 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 McCaslin.

Excused: Representatives Griffey and Kraft.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1297, by Representatives Thai, Stokesbary, Ramel, Ryu, Robertson, Leavitt, Bateman, Fitzgibbon, Shewmake, Chapman, J. Johnson, Senn, Frame, Riccelli, Chopp, Wylie, Wicks, Simmons, Boehnke, Berry, Davis, Tharinger, Walsh, Eslick, Goodman, Peterson, Santos, Valdez, Cody, Chambers, Kloba, Ramos, Kirby, Bronoske, Gregerson, Macri, Callan, Paul, Sells, Bergquist, Ormsby, Pollet, Slatter, Stonier, Taylor and Harris-Talley

Concerning working families tax exemption.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1297 was substituted for House Bill No. 1297 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1297 was read the second time.

With the consent of the House, amendment (399) was withdrawn.

Representative Stokesbary moved the adoption of amendment (153):

On page 6, beginning on line 28, after "(11)" strike everything through "(12)" on line 32

Representatives Stokesbary and Ormsby spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (153) and the amendment was adopted by the following vote: Yeas: 96; Nays: 0; Absent: 0; Excused: 2

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, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., 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, and Young

Excused: Representatives Griffey and Kraft

The bill was ordered engrossed.

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

Representatives Thai, Stokesbary, Orcutt, Berg, Wilcox and Frame spoke in favor of the passage of the bill.

Representative Thai remarks on Final Passage of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1297:

"Thank you, Madame Speaker. Please give me a second to collect my emotions. Thank you, Madame Speaker. Working families are the backbone that keep our communities strong. Our economy must support them the

way they support us. This bill puts dollars back in the pockets of Washingtonians who need it most. Those hit hardest by the pandemic. Low income families. People with disabilities. Students. Domestic violence survivors. And people of color and immigrants who are unfairly excluded from other stimulus programs who are overrepresented among households eligible for this opportunity. Madame Speaker, immigrants and refugees are strong. We are resilient survivors. We dream of a world that our children can succeed because they showed us what's possible every day.

I witnessed my parent's dream when they hustled to learn English. Taking any low paying job that they could find. My Dad, served as 1st Lieutenant in the army of South Vietnam with a university degree in economics and political science. When we came here as refugees, he worked to maintain parts for the city of Federal Way until he could no longer work. My Mother, was vice president of a national bank of South Vietnam. In her last job, before her passing, she was a barista at St. Francis hospital.

My parents diligently paid their taxes every year long before we became naturalized U.S. citizens. They worked hard for us because they believed in the American Dream.

Madame Speaker, the working family tax credit is our promise to the people of Washington. A promise to people like my parents that if they work hard, they can achieve their dreams, build better lives for their children and their community. The community will rise up to support them.

I am voting yes to uphold that promise to working families because everyone deserves to live their American Dream. Thank you, Madame Speaker."

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1297.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1297, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

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, 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, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Rude.
Excused: Representatives Griffey and Kraft.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1297, having received the necessary constitutional majority, was declared passed.

MOTION

Representative Stonier moved that the remarks of Representative Thai be spread upon the Journal.

The motion to spread the remarks of Representative Thai was adopted.

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

MESSAGE FROM THE SENATE

March 8, 2021

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5019,
SUBSTITUTE SENATE BILL NO. 5085,
SUBSTITUTE SENATE BILL NO. 5125,
ENGROSSED SENATE BILL NO. 5135,
SENATE BILL NO. 5159,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5163,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5194,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5226,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5275,
SUBSTITUTE SENATE BILL NO. 5288,
SUBSTITUTE SENATE BILL NO. 5317,
SUBSTITUTE SENATE BILL NO. 5332,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5370,
SUBSTITUTE SENATE BILL NO. 5378,
SUBSTITUTE SENATE BILL NO. 5381,
SUBSTITUTE SENATE BILL NO. 5425,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452,
SUBSTITUTE SENATE BILL NO. 5460,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House adjourned until 9:55 a.m., March 10, 2021, the 59th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 10, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1552 by Representatives Boehnke, Chambers, Schmick and Robertson

AN ACT Relating to protecting personal data collected by state agencies; adding new sections to chapter 43.105 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

SB 5019 by Senators Kuderer, Hunt, Brown, Wilson and C.

AN ACT Relating to the recording standards commission; amending RCW 65.24.010 and 65.24.040; adding a new section to chapter 65.24 RCW; creating a new section; and repealing RCW 65.24.900.

Referred to Committee on Local Government.

SSB 5085 by Senate Committee on Transportation (originally sponsored by Rolfes and Lovelett)

AN ACT Relating to modifying certain alternative fuel vehicles fees; amending RCW 46.17.323; creating a new section; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Transportation.

SSB 5125 by Senate Committee on Environment, Energy & Technology (originally sponsored by Cleveland, Short, Wilson and C.)

AN ACT Relating to affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement; and amending RCW 90.58.355.

Referred to Committee on Environment & Energy.

ESB 5135 by Senators Das, Hasegawa, Nguyen, Stanford, Wilson and C.

AN ACT Relating to unlawfully summoning a police officer; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Civil Rights & Judiciary.

SB 5159 by Senators Warnick, Van De Wege and Short

AN ACT Relating to payments in lieu of real property taxes by the department of fish and wildlife; amending RCW 77.12.203; providing an effective date; and declaring an emergency.

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

E2SSB 5163 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Dhingra, Saldaña, Wilson and C.)

AN ACT Relating to the placement and treatment of conditionally released sexually violent predators; amending RCW 71.09.080, 71.09.090, 71.09.092, 71.09.096, 71.09.130, 71.09.140, and 71.09.250; reenacting and amending RCW 71.09.020; adding new sections to chapter 71.09 RCW; adding a new section to chapter 9.94A RCW; creating a new section; and providing expiration dates.

Referred to Committee on Public Safety.

E2SSB 5194 by Senate Committee on Ways & Means (originally sponsored by Liias, Hasegawa, Das, Hunt, Keiser, Nguyen, Wilson and C.)

AN ACT Relating to providing for equity and access in the community and technical colleges; amending RCW 28B.92.030, 28B.96.010, and 28B.15.012; adding a new section to chapter 28B.92 RCW; adding new sections to chapter 28B.50 RCW; creating a new section; and providing expiration dates.

Referred to Committee on College & Workforce Development.

ESSB 5226 by Senate Committee on Law & Justice (originally sponsored by Salomon, Saldaña, Das, Frockt, Hasegawa, Kuderer, Liias, Lovelett, Muzzall, Nguyen, Nobles, Pedersen, Randall, Wilson and C.)

AN ACT Relating to the suspension of licenses for traffic infractions; amending RCW 46.63.060, 46.63.070, 46.20.289, 46.20.291, 46.20.311, 46.20.342, 46.20.391, and 46.64.025; reenacting and amending RCW 46.63.110 and 2.68.040; adding a new section to chapter 46.63 RCW; adding new sections to chapter 46.20 RCW; adding a new section to chapter 46.68 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on PUBLIC SAFETY.

ESSB 5275 by Senate Committee on Housing & Local Government (originally sponsored by Short, Lovelett, Das, Wellman, Wilson and C.)

AN ACT Relating to enhancing opportunity in limited areas of more intense rural development; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Local Government.

SSB 5288 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Lias, Short, Conway, Das, Frockt, Hunt, Lovelett, Nguyen, Nobles, Randall, Saldaña, Wilson and C.)

AN ACT Relating to increasing access to the Washington opportunity scholarship program; and amending RCW 28B.145.010 and 28B.145.100.

Referred to Committee on College & Workforce Development.

SSB 5317 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick)

AN ACT Relating to pesticide registration and pesticide licensing fees; and amending RCW 15.58.070, 15.58.180, 15.58.200, 15.58.205, 15.58.210, 15.58.220, 15.58.411, 17.21.070, 17.21.110, 17.21.122, 17.21.126, 17.21.129, 17.21.220, and 17.21.280.

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

SSB 5332 by Senate Committee on Transportation (originally sponsored by Padden)

AN ACT Relating to off-road and wheeled all-terrain vehicles; amending RCW 46.09.442 and 46.09.457; and reenacting and amending RCW 46.09.310.

Referred to Committee on Transportation.

ESSB 5370 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Keiser, Dhingra, Saldaña, Wilson and C.)

AN ACT Relating to updating mental health advance directive laws; amending RCW 71.32.010, 71.32.020, 71.32.020, 71.32.030, 71.32.040, 71.32.050, 71.32.060, 71.32.070, 71.32.100, 71.32.110, 71.32.130, 71.32.170, 71.32.180, 71.32.210, 71.32.220, 71.32.250, and 71.34.755; reenacting and amending RCW 71.32.020, 71.32.140, and 71.32.260; providing effective dates; and providing expiration dates.

Referred to Committee on Health Care & Wellness.

SSB 5378 by Senate Committee on Business, Financial Services & Trade (originally sponsored by Das, Nobles, Hasegawa, Lovelett, Randall, Saldaña, Wilson and C.)

AN ACT Relating to real estate brokers and managing brokers license renewal requirements; amending RCW 18.85.211 and 18.85.101; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

SSB 5381 by Senate Committee on Transportation (originally sponsored by Hobbs, Fortunato, King and Warnick)

AN ACT Relating to fish passage project permit streamlining; and amending RCW 77.55.181, 90.58.147, and 47.85.020.

Referred to Committee on Environment & Energy.

SSB 5425 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Stanford, Das, Hasegawa, Keiser, Kuderer, Nguyen and Saldaña)

AN ACT Relating to extended benefits in the unemployment insurance system; amending RCW 50.22.010; reenacting and amending RCW 50.22.020; adding a new section to chapter 50.22 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

ESSB 5452 by Senate Committee on Transportation (originally sponsored by Cleveland, Lias, Wilson and J.)

AN ACT Relating to electric-assisted bicycles; and creating a new section.

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

SSB 5460 by Senate Committee on Transportation (originally sponsored by Nguyen and Van De Wege)

AN ACT Relating to implementing recommendations of the autonomous vehicle work group; amending RCW 46.92.010 and 46.37.480; amending 2020 c 182 s 4 (uncodified); and providing an effective date.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 5226 which is referred to Transportation.

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

SECOND READING

MOTION

With the consent of the House, and with the exception of HOUSE BILL NO. 1477, the bills on the 2nd Reading Calendar were returned to the Committee on Rules.

There being no objection, the House adjourned until 9:55 a.m., March 11, 2021, the 60th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTIETH DAY

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

March 9, 2021

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5040,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5065,
 SENATE BILL NO. 5124,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5172,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,
 SUBSTITUTE SENATE BILL NO. 5230,
 SUBSTITUTE SENATE BILL NO. 5294,
 SECOND SUBSTITUTE SENATE BILL NO. 5315,
 SENATE BILL NO. 5352,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5353,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5355,
 SECOND SUBSTITUTE SENATE BILL NO. 5362,
 ENGROSSED SENATE BILL NO. 5372,
 SUBSTITUTE SENATE BILL NO. 5403,
 SENATE BILL NO. 5430,
 ENGROSSED SENATE BILL NO. 5454,

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

HB 1553 by Representative MacEwen

AN ACT Relating to implementing the "open safe, open now" plan for reopening Washington; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1554 by Representatives Chase and McCaslin

House Chamber, Olympia, Thursday, March 11, 2021

AN ACT Relating to postelection audits that enhance ballot integrity; adding a new section to chapter 29A.60 RCW; creating new sections; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HJR 4206 by Representatives Chase and McCaslin

Concerning funding for K-12 education.

Referred to Committee on Appropriations.

SB 5040 by Senators Fortunato, Lovelett, Wilson and J.

AN ACT Relating to enhancing litter control along state highways; amending RCW 70A.200.170 and 70A.200.190; and creating a new section.

Referred to Committee on Environment & Energy.

ESSB 5065 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Kuderer, Stanford, Conway, Hasegawa, Hunt, Keiser, Lovelett, Saldaña, Salomon, Wilson and C.)

AN ACT Relating to safeguarding the public safety by protecting railroad workers; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

SB 5124 by Senators Cleveland and Rivers

AN ACT Relating to the practice of colon hydrotherapy; amending RCW 18.36A.060, 18.36A.140, 18.36A.160, and 18.130.040; reenacting and amending RCW 18.36A.020 and 18.130.040; adding a new section to chapter 18.36A RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

ESSB 5172 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by King, Brown, Fortunato, Honeyford, Muzzall, Schoesler, Short and Wagoner)

AN ACT Relating to the retroactivity of overtime claims in exceptional cases; amending RCW 49.46.130; adding a new section to chapter 49.46 RCW; adding new sections to chapter 49.48 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

ESSB 5178 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Muzzall, Wilson and C.)

AN ACT Relating to establishing automatic waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency; and adding a new section to chapter 43.06 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5230 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Dozier, Honeyford, King, Schoesler, Warnick and Muzzall)

AN ACT Relating to agreements for allocation of groundwater resulting from bureau of reclamation project operations; and amending RCW 89.12.170.

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

SSB 5294 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Muzzall, Conway, Randall, Robinson, Van De Wege, Wilson and C.)

AN ACT Relating to the creation of statewide epidemic preparedness and response guidelines for long-term care facilities; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

2SSB 5315 by Senate Committee on Ways & Means (originally sponsored by Mullet and Dozier)

AN ACT Relating to captive insurance; amending RCW 48.14.020, 48.14.095, 48.15.160, 82.04.320, and 48.14.090; adding a new chapter to Title 48 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

SB 5352 by Senators Braun, Dozier, King, Wilson and J.

AN ACT Relating to allowing new government employees the option of opting out of retirement system membership if the employee is age sixty or older when

first hired, or when the employee's employer opts into retirement plan participation; amending RCW 41.40.023, 41.35.030, and 41.32.032; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.35 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.50 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

ESSB 5353 by Senate Committee on Law & Justice (originally sponsored by Conway, Darneille, Nguyen, Wilson and C.)

AN ACT Relating to creating a partnership model that facilitates community engagement with law enforcement; adding a new section to chapter 43.330 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

ESSB 5355 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Conway)

AN ACT Relating to establishing wage liens; amending RCW 36.18.016 and 49.48.086; adding new sections to chapter 43.24 RCW; adding a new chapter to Title 60 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

2SSB 5362 by Senate Committee on Ways & Means (originally sponsored by McCune and Warnick)

AN ACT Relating to ensuring the funding of agricultural fairs; amending RCW 15.76.115; and creating a new section.

Referred to Committee on Appropriations.

ESB 5372 by Senators Stanford, Warnick, Conway, Hasegawa, Saldaña, Wilson and J.

AN ACT Relating to a hemp processor registration process; amending RCW 15.140.020 and 15.140.060; and creating a new section.

Referred to Committee on Commerce & Gaming.

SSB 5403 by Senate Committee on State Government & Elections (originally sponsored by Wellman, Warnick, Hasegawa, Kuderer, Lovelett, Mullet, Saldaña, Wilson and C.)

AN ACT Relating to the interagency, multijurisdictional system improvement team; reenacting and amending RCW 43.155.150; and providing an expiration date.

Referred to Committee on Community & Economic Development.

SB 5430 by Senator Mullet

AN ACT Relating to tuition unit pricing in the advanced college tuition payment program; and amending RCW 28B.95.030.

Referred to Committee on College & Workforce Development.

ESB 5454 by Senators Schoesler, Brown, Frockt, Honeyford, Padden, Rolfes, Van De Wege, Wagoner, Warnick, Wilson and J.

AN ACT Relating to providing property tax relief to Washington citizens who lost their homes in the labor

day fires; amending RCW 84.36.400; and creating new sections.

Referred to Committee on Finance.

There being no objection, the bills and resolution 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 adjourned until 9:55 a.m., March 12, 2021, the 61st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTY FIRST DAY

House Chamber, Olympia, Friday, March 12, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1555 by Representatives Chase, McCaslin, Klicker and Sutherland

AN ACT Relating to the freedom in education program; adding a new section to chapter 2A.150 RCW; adding a new section to chapter 43.08 RCW; adding a new section to chapter 43.09 RCW; and creating new sections.

Referred to Committee on Education.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

March 11, 2021

SB 5018 Prime Sponsor, Senator Rivers: Concerning acupuncture and Eastern medicine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 11, 2021

SB 5048 Prime Sponsor, Senator Mullet: Concerning reinsurance agreements. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

March 11, 2021

SSB 5068 Prime Sponsor, Committee on Ways & Means: Improving maternal health outcomes by extending coverage during the postpartum period. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Appropriations.

March 11, 2021

SB 5077 Prime Sponsor, Senator Dozier: Providing authority to licensed companies to allow licensed mortgage loan originators to work from their residences without the company licensing the residence as a branch office of the company. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

March 11, 2021

SSB 5236 Prime Sponsor, Committee on Behavioral Health Subcommittee to Health & Long Term Care: Extending certificate of need exemptions. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.38.111 and 2020 c 258 s 1 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will

be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such

facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a)(ii) or (iii) or the requirements of (1)(b)(i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements to the offering of inpatient tertiary health services to the extent that such offering is not exempt under the provisions of this section or RCW 70.38.105(7).

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs

of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter

70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8) A rural hospital determined to no longer meet critical access hospital status for state law purposes as a result of participation in the Washington rural health access preservation pilot identified by the state office of rural health and formerly licensed as a hospital under chapter 70.41 RCW may apply to the department to renew its hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW. If all or part of a formerly licensed rural hospital is sold, purchased, or leased during the period the rural hospital does not meet critical access hospital status as a result of participation in the Washington rural health access preservation pilot and the new owner or lessor applies to renew the rural hospital's license, then the sale, purchase, or lease of part or all of the rural hospital is subject to the provisions of this chapter.

(9)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed assisted living facility care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for

residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given, at a minimum, one year prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given a minimum of ninety days prior to the effective date of license modification reflecting the restored beds. Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements of this section.

The term "construction," as used in (b)(ii) of this subsection, is limited to those projects that are expected to equal or exceed the expenditure minimum amount, as determined under this chapter.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2) (a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

(10)(a) The department shall not require a certificate of need for a hospice agency if:

(i) The hospice agency is designed to serve the unique religious or cultural needs of a religious group or an ethnic minority and commits to furnishing hospice services in a manner specifically aimed at meeting the unique religious or cultural needs of the religious group or ethnic minority;

(ii) The hospice agency is operated by an organization that:

(A) Operates a facility, or group of facilities, that offers a comprehensive continuum of long-term care services, including, at a minimum, a licensed, medicare-certified nursing home, assisted living, independent living, day health, and various community-based support services, designed to meet the unique social, cultural, and religious needs of a specific cultural and ethnic minority group;

(B) Has operated the facility or group of facilities for at least ten continuous years prior to the establishment of the hospice agency;

(iii) The hospice agency commits to coordinating with existing hospice programs in its community when appropriate;

(iv) The hospice agency has a census of no more than forty patients;

(v) The hospice agency commits to obtaining and maintaining medicare certification;

(vi) The hospice agency only serves patients located in the same county as the majority of the long-term care

services offered by the organization that operates the agency; and

(vii) The hospice agency is not sold or transferred to another agency.

(b) The department shall include the patient census for an agency exempted under this subsection (10) in its calculations for future certificate of need applications.

(11) To alleviate the need to board psychiatric patients in emergency departments and increase capacity of hospitals to serve individuals on ninety-day or one hundred eighty-day commitment orders, for the period of time from May 5, 2017, through June 30, (~~2021~~) 2023:

(a) The department shall suspend the certificate of need requirement for a hospital licensed under chapter 70.41 RCW that changes the use of licensed beds to increase the number of beds to provide psychiatric services, including involuntary treatment services. A certificate of need exemption under this subsection (11) (a) shall be valid for two years.

(b) The department may not require a certificate of need for:

(i) The addition of beds as described in RCW 70.38.260 (2) and (3); or

(ii) The construction, development, or establishment of a psychiatric hospital licensed as an establishment under chapter 71.12 RCW that will have no more than sixteen beds and provide treatment to adults on ninety or one hundred eighty-day involuntary commitment orders, as described in RCW 70.38.260(4).

(12)(a) An ambulatory surgical facility is exempt from all certificate of need requirements if the facility:

(i) Is an individual or group practice and, if the facility is a group practice, the privilege of using the facility is not extended to physicians outside the group practice;

(ii) Operated or received approval to operate, prior to January 19, 2018; and

(iii) Was exempt from certificate of need requirements prior to January 19, 2018, because the facility either:

(A) Was determined to be exempt from certificate of need requirements pursuant to a determination of reviewability issued by the department; or

(B) Was a single-specialty endoscopy center in existence prior to January 14, 2003, when the department determined that endoscopy procedures were surgeries for purposes of certificate of need.

(b) The exemption under this subsection:

(i) Applies regardless of future changes of ownership, corporate structure, or affiliations of the individual or group practice as long as the use of the facility remains limited to physicians in the group practice; and

(ii) Does not apply to changes in services, specialties, or number of operating rooms.

(13) A rural health clinic providing health services in a home health shortage area as declared by the department pursuant to 42 C.F.R. Sec. 405.2416 is not subject to certificate of need review under this chapter.

Sec. 2. RCW 70.38.260 and 2019 c 324 s 9 are each amended to read as follows:

(1) For a grant awarded during fiscal years 2018 and 2019 by the department of commerce under this section, hospitals licensed under chapter 70.41 RCW and psychiatric hospitals licensed as establishments under chapter 71.12 RCW are not subject to certificate of need requirements for the addition of the number of new psychiatric beds indicated in the grant. The department of commerce may not make a prior approval of a certificate of need application a condition for a grant application under this section. The period during which an approved hospital or psychiatric hospital project qualifies for a certificate of need exemption under this section is two years from the date of the grant award.

(2) (a) Until June 30, ~~((2021))~~ 2023, a hospital licensed under chapter 70.41 RCW is exempt from certificate of need requirements for the addition of new psychiatric beds.

(b) A hospital that adds new psychiatric beds under this subsection (2) must:

(i) Notify the department of the addition of new psychiatric beds. The department shall provide the hospital with a notice of exemption within thirty days; and

(ii) Commence the project within two years of the date of receipt of the notice of exemption.

(c) Beds granted an exemption under RCW 70.38.111(1)(b) must remain psychiatric beds unless a certificate of need is granted to change their use or the hospital voluntarily reduces its licensed capacity.

(3) (a) Until June 30, ~~((2021))~~ 2023, a psychiatric hospital licensed as an establishment under chapter 71.12 RCW is exempt from certificate of need requirements for the one-time addition of up to ~~((thirty))~~ 30 new psychiatric beds ~~((, and for the one-time addition of up to sixty psychiatric beds devoted solely to ninety-day and one hundred eighty-day civil commitment patients if the hospital was awarded any grant by the department of commerce to increase behavioral health capacity in fiscal year 2019 and))~~ devoted solely for 90-day and 180-day civil commitment services and for the one-time addition of up to 30 new voluntary psychiatric beds or involuntary psychiatric beds for patients on a 120-hour detention or 14-day civil commitment order, if the hospital makes a commitment to maintain a payer mix of at least fifty percent Medicare and Medicaid based on a calculation using patient days for a period of five consecutive years after the beds are made available for use by patients, if it demonstrates to the satisfaction of the department:

(i) That its most recent two years of publicly available fiscal year-end report data as required under RCW 70.170.100 and 43.70.050 reported to the department by the psychiatric hospital, show a payer mix of a minimum of fifty percent Medicare and Medicaid based on a calculation using patient days; and

(ii) A commitment to maintaining the payer mix in (a) of this subsection for a period of five consecutive years after the beds are made available for use by patients.

(b) A psychiatric hospital that adds new psychiatric beds under this subsection (3) must:

(i) Notify the department of the addition of new psychiatric beds. The department shall provide the psychiatric hospital with a notice of exemption within thirty days; and

(ii) Commence the project within two years of the date of receipt of the notice of exemption.

(c) Beds granted an exemption under RCW 70.38.111(11)(b) must remain the types of psychiatric beds indicated to the department in the original exemption application unless a certificate of need is granted to change their use or the psychiatric hospital voluntarily reduces its licensed capacity.

(4)(a) Until June 30, (~~(2021)~~) 2023, an entity seeking to construct, develop, or establish a psychiatric hospital licensed as an establishment under chapter 71.12 RCW is exempt from certificate of need requirements if the proposed psychiatric hospital will have no more than sixteen beds and dedicate a portion of the beds to providing treatment to adults on ninety or one hundred eighty-day involuntary commitment orders. The psychiatric hospital may also provide treatment to adults on a (~~(seventy-two)~~) 120 hour detention or (~~(fourteen-day)~~) 14-day involuntary commitment order.

(b) An entity that seeks to construct, develop, or establish a psychiatric hospital under this subsection (4) must:

(i) Notify the department of the addition of construction, development, or establishment. The department shall provide the entity with a notice of exemption within thirty days; and

(ii) Commence the project within two years of the date of receipt of the notice of exemption.

(c) Entities granted an exemption under RCW 70.38.111(11)(b)(ii) may not exceed sixteen beds unless a certificate of need is granted to increase the psychiatric hospital's capacity.

(5) This section expires June 30, 2025.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis;

Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 11, 2021

SSB 5423

Prime Sponsor, Committee on Health & Long Term Care: Concerning telemedicine consultations. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.71.030 and 2019 c 270 s 3 are each amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

(1) The furnishing of medical assistance in cases of emergency requiring immediate attention;

(2) The domestic administration of family remedies;

(3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.210 RCW;

(4) The practice of dentistry, osteopathic medicine and surgery, nursing, chiropractic, podiatric medicine and surgery, optometry, naturopathy, or any other healing art licensed under the methods or means permitted by such license;

(5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him or her by the laws and regulations of the United States;

(6) The consultation through telemedicine or other means by a practitioner, licensed by another state or territory in which he or she resides, with a practitioner licensed in this state who has responsibility for the

diagnosis and treatment of the patient within this state;

(7) The in-person practice of medicine by any practitioner licensed by another state or territory in which he or she resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

~~((7))~~ (8) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the commission if:

(a) The performance of such services is only pursuant to a regular course of instruction or assignments from his or her instructor ~~((or))~~; or

(b) Such services are performed only under the supervision and control of a person licensed pursuant to this chapter; or

(c)(i) Such services are performed without compensation or expectation of compensation as part of a volunteer activity;

(ii) The student is under the direct supervision and control of a pharmacist licensed under chapter 18.64 RCW, an osteopathic physician and surgeon licensed under chapter 18.57 RCW, or a registered nurse or advanced registered nurse practitioner licensed under chapter 18.79 RCW;

(iii) The services the student performs are within the scope of practice of: (A) A physician licensed under this chapter; and (B) the person supervising the student;

(iv) The school in which the student is enrolled verifies the student has demonstrated competency through his or her education and training to perform the services; and

(v) The student provides proof of current malpractice insurance to the volunteer activity organizer prior to performing any services;

~~((8))~~ (9) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state, however, the performance of such services shall be only pursuant to his or her duties as a trainee;

~~((9))~~ (10) The practice of medicine by a person who is regularly enrolled in a physician assistant program approved by the commission, however, the performance of such services shall be only pursuant to a regular course of instruction in said program and such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

~~((10))~~ (11) The practice of medicine by a licensed physician assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;

~~((11))~~ (12) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;

~~((12))~~ (13) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the commission, however, a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist, and the commission has jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to this chapter and chapter 18.130 RCW;

~~((13))~~ (14) Emergency lifesaving service rendered by a physician's trained advanced emergency medical technician and paramedic, as defined in RCW 18.71.200, if the emergency lifesaving service is rendered under the responsible supervision and control of a licensed physician;

~~((14))~~ (15) The provision of clean, intermittent bladder catheterization for students by public school district employees or private school employees as provided for in RCW 18.79.290 and 28A.210.280.

Sec. 2. RCW 18.57.040 and 2019 c 270 s 2 are each amended to read as follows:

Nothing in this chapter shall be construed to prohibit:

- (1) Service in the case of emergency;
- (2) The domestic administration of family remedies;

(3) The practice of midwifery as permitted under chapter 18.50 RCW;

(4) The practice of osteopathic medicine and surgery by any commissioned medical officer in the United States government or military service or by any osteopathic physician and surgeon employed by a federal agency, in the discharge of his or her official duties;

(5) Practice by a dentist licensed under chapter 18.32 RCW when engaged exclusively in the practice of dentistry;

(6) The consultation through telemedicine or other means by a practitioner, licensed by another state or territory in which he or she resides, with a practitioner licensed in this state who has responsibility for the diagnosis and treatment of the patient within this state;

(7) ((Practice)) In-person practice by any osteopathic physician and surgeon from any other state or territory in which he or she resides: PROVIDED, That such practitioner shall not open an office or appoint a place of meeting patients or receive calls within the limits of this state;

((7)) (8) Practice by a person who is a student enrolled in an accredited school of osteopathic medicine and surgery approved by the board if:

(a) The performance of such services is only pursuant to a course of instruction or assignments from his or her instructor or school, and such services are performed only under the supervision of a person licensed pursuant to this chapter or chapter 18.71 RCW; or

(b)(i) Such services are performed without compensation or expectation of compensation as part of a volunteer activity;

(ii) The student is under the direct supervision and control of a pharmacist licensed under chapter 18.64 RCW, a physician licensed under chapter 18.71 RCW, an osteopathic physician and surgeon licensed under this chapter ~~((18.57 RCW))~~, or a registered nurse or advanced registered nurse practitioner licensed under chapter 18.79 RCW;

(iii) The services the student performs are within the scope of practice of: (A) An osteopathic physician and surgeon licensed under this chapter; and (B) the person supervising the student;

(iv) The school in which the student is enrolled verifies the student has demonstrated competency through his or her education and training to perform the services; and

(v) The student provides proof of current malpractice insurance to the volunteer activity organizer prior to performing any services;

~~((9))~~ (9) Practice by an osteopathic physician and surgeon serving a period of clinical postgraduate medical training in a postgraduate program approved by the board: PROVIDED, That the performance of such services be only pursuant to a course of instruction in said program, and said services are performed only under the supervision and control of a person licensed pursuant to this chapter or chapter 18.71 RCW; or

~~((9))~~ (10) Practice by a person who is enrolled in a physician assistant program approved by the board who is performing such services only pursuant to a course of instruction in said program: PROVIDED, That such services are performed only under the supervision and control of a person licensed pursuant to this chapter or chapter 18.71 RCW.

This chapter shall not be construed to apply in any manner to any other system or method of treating the sick or afflicted or to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., March 15, 2021, the 64th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTY FOURTH DAY

House Chamber, Olympia, Monday, March 15, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

March 12, 2021

SB 5005 Prime Sponsor, Senator Pedersen: Concerning business corporations. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

Referred to Committee on Rules for second reading.

March 12, 2021

SB 5225 Prime Sponsor, Senator Hunt: Concerning direct appeals to the court of appeals of cases brought under the administrative procedure act and the land use petition act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Gilday, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member and Ybarra.

Referred to Committee on Rules for second reading.

March 12, 2021

SB 5338 Prime Sponsor, Senator Wilson, L.: Concerning fire protection districts and education. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Gohner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

March 12, 2021

SB 5347 Prime Sponsor, Senator Padden: Concerning member voting methods. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., March 16, 2021, the 65th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTY FIFTH DAY

House Chamber, Olympia, Tuesday, March 16, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

March 12, 2021

SSB 5011 Prime Sponsor, Committee on Law & Justice: Addressing electronic meetings and notice provisions for common interest communities, condominiums, and homeowners' associations. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.32.010 and 2008 c 114 s 3 are each amended to read as follows:

As used in this chapter unless the context otherwise requires:

(1) "Apartment" means a part of the property intended for any type of independent use, including one or more rooms or spaces located on one or more floors (or part or parts thereof) in a building, or if not in a building, a separately delineated place of storage or moorage of a boat, plane, or motor vehicle, regardless of whether it is destined for a residence, an office, storage or moorage of a boat, plane, or motor vehicle, the operation of any industry or business, or for any other use not prohibited by law, and which has a direct exit to a public street or highway, or to a common area leading to such street or highway. The boundaries of an apartment located in a building are the interior surfaces of the perimeter walls, floors, ceilings, windows and doors thereof, and the apartment includes both the portions of the building so described and the air space so

encompassed. If the apartment is a separately delineated place of storage or moorage of a boat, plane, or motor vehicle the boundaries are those specified in the declaration. In interpreting declarations, deeds, and plans, the existing physical boundaries of the apartment as originally constructed or as reconstructed in substantial accordance with the original plans thereof shall be conclusively presumed to be its boundaries rather than the metes and bounds expressed or depicted in the declaration, deed or plan, regardless of settling or lateral movement of the building and regardless of minor variance between boundaries shown in the declaration, deed, or plan and those of apartments in the building.

(2) "Apartment owner" means the person or persons owning an apartment, as herein defined, in fee simple absolute or qualified, by way of leasehold or by way of a periodic estate, or in any other manner in which real property may be owned, leased or possessed in this state, together with an undivided interest in a like estate of the common areas and facilities in the percentage specified and established in the declaration as duly recorded or as it may be lawfully amended.

(3) "Apartment number" means the number, letter, or combination thereof, designating the apartment in the declaration as duly recorded or as it may be lawfully amended.

(4) "Association of apartment owners" means all of the apartment owners acting as a group in accordance with the bylaws and with the declaration as it is duly recorded or as they may be lawfully amended.

(5) "Building" means a building, containing two or more apartments, or two or more buildings each containing one or more apartments, and comprising a part of the property.

(6) "Common areas and facilities", unless otherwise provided in the

declaration as duly recorded or as it may be lawfully amended, includes:

(a) The land on which the building is located;

(b) The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbys, stairs, stairways, fire escapes, and entrances and exits of the building;

(c) The basements, yards, gardens, parking areas and storage spaces;

(d) The premises for the lodging of janitors or persons in charge of the property;

(e) The installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;

(f) The elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;

(g) Such community and commercial facilities as may be provided for in the declaration as duly recorded or as it may be lawfully amended;

(h) All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

(7) "Common expenses" include:

(a) All sums lawfully assessed against the apartment owners by the association of apartment owners;

(b) Expenses of administration, maintenance, repair, or replacement of the common areas and facilities;

(c) Expenses agreed upon as common expenses by the association of apartment owners;

(d) Expenses declared common expenses by the provisions of this chapter, or by the declaration as it is duly recorded, or by the bylaws, or as they may be lawfully amended.

(8) "Common profits" means the balance of all income, rents, profits and revenues from the common areas and facilities remaining after the deduction of the common expenses.

(9) "Declaration" means the instrument by which the property is submitted to provisions of this chapter, as

hereinafter provided, and as it may be, from time to time, lawfully amended.

(10) "Land" means the material of the earth, whatever may be the ingredients of which it is composed, whether soil, rock, or other substance, whether or not submerged, and includes free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the use of airspace imposed, and rights in the use of the airspace granted, by the laws of this state or of the United States.

(11) "Limited common areas and facilities" includes those common areas and facilities designated in the declaration, as it is duly recorded or as it may be lawfully amended, as reserved for use of certain apartment or apartments to the exclusion of the other apartments.

(12) "Majority" or "majority of apartment owners" means the apartment owners with fifty-one percent or more of the votes in accordance with the percentages assigned in the declaration, as duly recorded or as it may be lawfully amended, to the apartments for voting purposes.

(13) "Person" includes any individual, corporation, partnership, association, trustee, or other legal entity.

(14) "Property" means the land, the building, all improvements and structures thereon, all owned in fee simple absolute or qualified, by way of leasehold or by way of a periodic estate, or in any other manner in which real property may be owned, leased or possessed in this state, and all easements, rights and appurtenances belonging thereto, none of which shall be considered as a security or security interest, and all articles of personalty intended for use in connection therewith, which have been or are intended to be submitted to the provisions of this chapter.

(15) "Percent of the apartment owners" means the apartment owners with the stated percent or more of the votes in accordance with the percentages assigned in the declaration, as duly recorded or as it may be lawfully amended, to the apartments for voting purposes.

(16) "Electronic transmission" or "electronically transmitted" means any electronic communication not directly involving the physical transfer of a

writing in a tangible medium, but that may be retained, retrieved, and reviewed by the sender and the recipient of the communication, and that may be directly reproduced in a tangible medium by a sender and recipient.

(17) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

NEW SECTION. Sec. 2. A new section is added to chapter 64.32 RCW to read as follows:

(1) Notwithstanding any inconsistent provision in the governing documents, notice to the association of apartment owners, board of directors, or any apartment owner or occupant of an apartment under this chapter shall be in writing and shall be provided to the recipient by personal delivery, public or private mail or delivery service, or by electronic transmission as provided in this section: PROVIDED, That if this chapter requires different or additional notice requirements for particular circumstances, those requirements shall apply.

(2) Notice in a tangible medium shall be provided as follows:

(a) Notice to the association of apartment owners or board of directors shall be addressed to the association's registered agent at its registered office, to the association at its principal office shown in its most recent annual report, or to an address provided by the association to the apartment owners.

(b) Notice to an apartment owner or occupant shall be addressed to the apartment address unless the apartment owner has requested, in a writing delivered to the association, that notices be sent to an alternate address.

(3) Notice in an electronic transmission shall be provided as follows:

(a) Notice to the association of apartment owners, the board of directors, or apartment owners by electronic transmission is effective only upon those who have consented, in writing, to receive electronically transmitted notices under this chapter and have designated the address, location, or system to which such notices may be electronically transmitted, provided

that such notice otherwise complies with any other requirements of this chapter and applicable law.

(b) Notice under this subsection includes any materials that accompany the notice.

(c) Owners who have consented to receipt of electronically transmitted notices may revoke this consent by delivering a revocation to the association of apartment owners in writing.

(d) The consent of any apartment owner is revoked if the association is unable to electronically transmit two consecutive notices and this inability becomes known to the secretary of the association of apartment owners or any other person responsible for giving the notice. The inadvertent failure by the association of apartment owners to treat this inability as a revocation does not invalidate any meeting or other action.

(e) Notice to apartment owners who have consented to receipt of electronically transmitted notices may be provided by posting the notice on an electronic network and delivering to the apartment owner separate notice of the posting, together with comprehensible instructions regarding how to obtain access to the posting on the electronic network.

(4) Notice is effective as follows:

(a) Notice provided in a tangible medium is effective as of the date of hand delivery, deposit with the carrier, or when sent by fax.

(b) Notice provided in an electronic transmission is effective as of the date it:

(i) Is electronically transmitted to an address, location, or system designated by the recipient for that purpose; or

(ii) Has been posted on an electronic network and separate notice of the posting has been sent to the recipient containing instructions regarding how to obtain access to the posting on the electronic network.

(5) The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

(6) This chapter modifies, limits, and supersedes the federal electronic

signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(c) or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 3. A new section is added to chapter 64.32 RCW to read as follows:

(1) Apartment owners may vote at a meeting in person, by absentee ballot pursuant to subsection (3)(d) of this section, or by a proxy pursuant to subsection (5) of this section.

(2) When a vote is conducted without a meeting, apartment owners may vote by ballot pursuant to subsection (6) of this section.

(3) At a meeting of apartment owners the following requirements apply:

(a) Apartment owners or their proxies who are present in person may vote by voice vote, show of hands, standing, written ballot, or any other method for determining the votes of apartment owners, as designated by the person presiding at the meeting.

(b) If only one of several apartment owners of an apartment is present, that apartment owner is entitled to cast all the votes allocated to that apartment. If more than one of the apartment owners are present, the votes allocated to that apartment may be cast only in accordance with the agreement of a majority in interest of the apartment owners, unless the declaration expressly provides otherwise. There is a majority agreement if any one of the apartment owners casts the votes allocated to the apartment without protest being made promptly to the person presiding over the meeting by any of the other apartment owners of the apartment.

(c) Unless a greater number or fraction of the votes in the association is required under this chapter or the declaration or organizational documents, a majority of the votes cast determines the outcome of any action of the association.

(d) Whenever proposals or board members are to be voted upon at a meeting, an apartment owner may vote by duly executed absentee ballot if:

(i) The name of each candidate and the text of each proposal to be voted upon

are set forth in a writing accompanying or contained in the notice of meeting; and

(ii) A ballot is provided by the association for such purpose.

(4) When an apartment owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the apartment owner having the right to do so.

(5) Except as provided otherwise in the declaration or organizational documents, the following requirements apply with respect to proxy voting:

(a) Votes allocated to an apartment may be cast pursuant to a directed or undirected proxy duly executed by an apartment owner in the same manner as provided in RCW 24.06.110.

(b) If an apartment is owned by more than one person, each apartment owner of the apartment may vote or register protest to the casting of votes by the other apartment owners of the apartment through a duly executed proxy.

(c) An apartment owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the secretary or the person presiding over a meeting of the association or by delivery of a subsequent proxy. The death or disability of an apartment owner does not revoke a proxy given by the apartment owner unless the person presiding over the meeting has actual notice of the death or disability.

(d) A proxy is void if it is not dated or purports to be revocable without notice.

(e) Unless stated otherwise in the proxy, a proxy terminates eleven months after its date of issuance.

(6) Unless prohibited or limited by the declaration or organizational documents, an association may conduct a vote without a meeting. In that event, the following requirements apply:

(a) The association must notify the apartment owners that the vote will be taken by ballot.

(b) The notice must state:

(i) The time and date by which a ballot must be delivered to the association to be counted, which may not be fewer than fourteen days after the date of the notice, and which deadline may be

extended in accordance with (g) of this subsection;

(ii) The percent of votes necessary to meet the quorum requirements;

(iii) The percent of votes necessary to approve each matter other than election of board members; and

(iv) The time, date, and manner by which apartment owners wishing to deliver information to all apartment owners regarding the subject of the vote may do so.

(c) The association must deliver a ballot to every apartment owner with the notice.

(d) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(e) A ballot cast pursuant to this section may be revoked only by actual notice to the association of revocation. The death or disability of an apartment owner does not revoke a ballot unless the association has actual notice of the death or disability prior to the date set forth in (b)(i) of this subsection.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the association does not receive a sufficient number of votes to constitute a quorum or to approve the proposal by the date and time established for return of ballots, the board of directors may extend the deadline for a reasonable period not to exceed eleven months upon further notice to all members in accordance with (b) of this subsection. In that event, all votes previously cast on the proposal must be counted unless subsequently revoked as provided in this section.

(h) A ballot or revocation is not effective until received by the association.

(i) The association must give notice to apartment owners of any action taken pursuant to this subsection within a reasonable time after the action is taken.

(j) When an action is taken pursuant to this subsection, a record of the action, including the ballots or a report of the persons appointed to tabulate such

ballots, must be kept with the minutes of meetings of the association.

(7) If the governing documents require that votes on specified matters affecting the common interest community be cast by lessees rather than apartment owners of leased apartments:

(a) This section applies to lessees as if they were apartment owners;

(b) Apartment owners that have leased their apartments to other persons may not cast votes on those specified matters; and

(c) Lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were apartment owners.

(8) Apartment owners must also be given notice, in the manner provided in section 2 of this act, of all meetings at which lessees may be entitled to vote.

(9) In any vote of the apartment owners, votes allocated to an apartment owned by the association must be cast in the same proportion as the votes cast on the matter by apartment owners other than the association.

(10) Except as otherwise restricted by the declaration, bylaws, or articles of incorporation, meetings of apartment owners may be conducted by telephonic, video, or other conferencing process, if:

(a) The meeting notice states the conferencing process to be used and provides information explaining how apartment owners may participate in the conference directly or by meeting at a central location or conference connection; and (b) the process provides all apartment owners the opportunity to hear or perceive the discussion and to comment.

Sec. 4. RCW 64.34.020 and 2011 c 189 s 1 are each reenacted and amended to read as follows:

In the declaration and bylaws, unless specifically provided otherwise or the context requires otherwise, and in this chapter:

(1) "Affiliate" means any person who controls, is controlled by, or is under common control with the referenced person. A person "controls" another person if the person: (a) Is a general partner, officer, director, or employer of the referenced person; (b) directly or indirectly or acting in concert with one

or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the referenced person; (c) controls in any manner the election of a majority of the directors of the referenced person; or (d) has contributed more than twenty percent of the capital of the referenced person. A person "is controlled by" another person if the other person: (i) Is a general partner, officer, director, or employer of the person; (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the person; (iii) controls in any manner the election of a majority of the directors of the person; or (iv) has contributed more than twenty percent of the capital of the person. Control does not exist if the powers described in this subsection are held solely as security for an obligation and are not exercised.

(2) "Allocated interests" means the undivided interest in the common elements, the common expense liability, and votes in the association allocated to each unit.

(3) "Assessment" means all sums chargeable by the association against a unit including, without limitation: (a) Regular and special assessments for common expenses, charges, and fines imposed by the association; (b) interest and late charges on any delinquent account; and (c) costs of collection, including reasonable attorneys' fees, incurred by the association in connection with the collection of a delinquent owner's account.

(4) "Association" or "unit owners' association" means the unit owners' association organized under RCW 64.34.300.

(5) "Baseline funding plan" means establishing a reserve funding goal of maintaining a reserve account balance above zero dollars throughout the thirty-year study period described under RCW 64.34.380.

(6) "Board of directors" means the body, regardless of name, with primary authority to manage the affairs of the association.

(7) "Common elements" means all portions of a condominium other than the units.

(8) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to RCW 64.34.224.

(9) "Common expenses" means expenditures made by or financial liabilities of the association, together with any allocations to reserves.

(10) "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to this chapter.

(11) "Contribution rate" means, in a reserve study as described in RCW 64.34.380, the amount contributed to the reserve account so that the association will have cash reserves to pay major maintenance, repair, or replacement costs without the need of a special assessment.

(12) "Conversion condominium" means a condominium (a) that at any time before creation of the condominium was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, for which the tenant or subtenant had not received the notice described in (b) of this subsection; or (b) that, at any time within twelve months before the conveyance of, or acceptance of an agreement to convey, any unit therein other than to a declarant or any affiliate of a declarant, was lawfully occupied wholly or partially by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which, before July 1, 1990, any unit therein had been conveyed or been made subject to an agreement to convey to any transferee

other than a declarant or an affiliate of a declarant.

(13) "Conveyance" means any transfer of the ownership of a unit, including a transfer by deed or by real estate contract and, with respect to a unit in a leasehold condominium, a transfer by lease or assignment thereof, but shall not include a transfer solely for security.

(14) "Dealer" means a person who, together with such person's affiliates, owns or has a right to acquire either six or more units in a condominium or fifty percent or more of the units in a condominium containing more than two units.

(15) "Declarant" means:

(a) Any person who executes as declarant a declaration as defined in subsection (17) of this section; or

(b) Any person who reserves any special declarant right in the declaration; or

(c) Any person who exercises special declarant rights or to whom special declarant rights are transferred; or

(d) Any person who is the owner of a fee interest in the real property which is subjected to the declaration at the time of the recording of an instrument pursuant to RCW 64.34.316 and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the condominium created by the recording of the instrument.

(16) "Declarant control" means the right of the declarant or persons designated by the declarant to appoint and remove officers and members of the board of directors, or to veto or approve a proposed action of the board or association, pursuant to RCW 64.34.308 (5) or (6).

(17) "Declaration" means the document, however denominated, that creates a condominium by setting forth the information required by RCW 64.34.216 and any amendments to that document.

(18) "Development rights" means any right or combination of rights reserved by a declarant in the declaration to: (a) Add real property or improvements to a condominium; (b) create units, common elements, or limited common elements within real property included or added to

a condominium; (c) subdivide units or convert units into common elements; (d) withdraw real property from a condominium; or (e) reallocate limited common elements with respect to units that have not been conveyed by the declarant.

(19) "Dispose" or "disposition" means a voluntary transfer or conveyance to a purchaser or lessee of any legal or equitable interest in a unit, but does not include the transfer or release of a security interest.

(20) "Effective age" means the difference between the estimated useful life and remaining useful life.

(21) "Eligible mortgagee" means the holder of a mortgage on a unit that has filed with the secretary of the association a written request that it be given copies of notices of any action by the association that requires the consent of mortgagees.

(22) "Foreclosure" means a forfeiture or judicial or nonjudicial foreclosure of a mortgage or a deed in lieu thereof.

(23) "Full funding plan" means setting a reserve funding goal of achieving one hundred percent fully funded reserves by the end of the thirty-year study period described under RCW 64.34.380, in which the reserve account balance equals the sum of the deteriorated portion of all reserve components.

(24) "Fully funded balance" means the current value of the deteriorated portion, not the total replacement value, of all the reserve components. The fully funded balance for each reserve component is calculated by multiplying the current replacement cost of that reserve component by its effective age, then dividing the result by that reserve component's useful life. The sum total of all reserve components' fully funded balances is the association's fully funded balance.

(25) "Identifying number" means the designation of each unit in a condominium.

(26) "Leasehold condominium" means a condominium in which all or a portion of the real property is subject to a lease, the expiration or termination of which will terminate the condominium or reduce its size.

(27) "Limited common element" means a portion of the common elements allocated

by the declaration or by operation of RCW 64.34.204 (2) or (4) for the exclusive use of one or more but fewer than all of the units.

(28) "Master association" means an organization described in RCW 64.34.276, whether or not it is also an association described in RCW 64.34.300.

(29) "Mortgage" means a mortgage, deed of trust or real estate contract.

(30) "Person" means a natural person, corporation, partnership, limited partnership, trust, governmental subdivision or agency, or other legal entity.

(31) "Purchaser" means any person, other than a declarant or a dealer, who by means of a disposition acquires a legal or equitable interest in a unit other than (a) a leasehold interest, including renewal options, of less than twenty years at the time of creation of the unit, or (b) as security for an obligation.

(32) "Real property" means any fee, leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements thereon and easements, rights and interests appurtenant thereto which by custom, usage, or law pass with a conveyance of land although not described in the contract of sale or instrument of conveyance. "Real property" includes parcels, with or without upper or lower boundaries, and spaces that may be filled with air or water.

(33) "Remaining useful life" means the estimated time, in years, before a reserve component will require major maintenance, repair, or replacement to perform its intended function.

(34) "Replacement cost" means the current cost of replacing, repairing, or restoring a reserve component to its original functional condition.

(35) "Reserve component" means a common element whose cost of maintenance, repair, or replacement is infrequent, significant, and impractical to include in an annual budget.

(36) "Reserve study professional" means an independent person who is suitably qualified by knowledge, skill, experience, training, or education to prepare a reserve study in accordance with RCW 64.34.380 and 64.34.382.

(37) "Residential purposes" means use for dwelling or recreational purposes, or both.

(38) "Significant assets" means that the current total cost of major maintenance, repair, and replacement of the reserve components is fifty percent or more of the gross budget of the association, excluding reserve account funds.

(39) "Special declarant rights" means rights reserved for the benefit of a declarant to: (a) Complete improvements indicated on survey maps and plans filed with the declaration under RCW 64.34.232; (b) exercise any development right under RCW 64.34.236; (c) maintain sales offices, management offices, signs advertising the condominium, and models under RCW 64.34.256; (d) use easements through the common elements for the purpose of making improvements within the condominium or within real property which may be added to the condominium under RCW 64.34.260; (e) make the condominium part of a larger condominium or a development under RCW 64.34.280; (f) make the condominium subject to a master association under RCW 64.34.276; or (g) appoint or remove any officer of the association or any master association or any member of the board of directors, or to veto or approve a proposed action of the board or association, during any period of declarant control under RCW 64.34.308(5).

(40) "Timeshare" shall have the meaning specified in the timeshare act, RCW 64.36.010(11).

(41) "Unit" means a physical portion of the condominium designated for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(d). "Separate ownership" includes leasing a unit in a leasehold condominium under a lease that expires contemporaneously with any lease, the expiration or termination of which will remove the unit from the condominium.

(42) "Unit owner" means a declarant or other person who owns a unit or leases a unit in a leasehold condominium under a lease that expires simultaneously with any lease, the expiration or termination of which will remove the unit from the condominium, but does not include a person who has an interest in a unit solely as security for an obligation. "Unit owner" means the vendee, not the

vendor, of a unit under a real estate contract.

(43) "Useful life" means the estimated time, between years, that major maintenance, repair, or replacement is estimated to occur.

(44) "Electronic transmission" or "electronically transmitted" means any electronic communication not directly involving the physical transfer of a writing in a tangible medium, but that may be retained, retrieved, and reviewed by the sender and the recipient of the communication, and that may be directly reproduced in a tangible medium by a sender and recipient.

(45) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

Sec. 5. RCW 64.34.332 and 1989 c 43 s 3-109 are each amended to read as follows:

(1) A meeting of the association must be held at least once each year. Special meetings of the association may be called by the president, a majority of the board of directors, or by unit owners having twenty percent or any lower percentage specified in the declaration or bylaws of the votes in the association. Not less than ~~((ten))~~ fourteen nor more than ~~((sixty))~~ fifty days in advance of any meeting, the secretary or other officer specified in the bylaws shall cause notice to be ~~((hand delivered or sent prepaid by first class United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit owner))~~ provided in accordance with this chapter. The notice of any meeting shall state the time and place of the meeting and the items on the agenda to be voted on by the members, including the general nature of any proposed amendment to the declaration or bylaws, changes in the previously approved budget that result in a change in assessment obligations, and any proposal to remove a director or officer.

(2) Except as otherwise restricted by the declaration, bylaws, or articles of incorporation, meetings of unit owners may be conducted by telephonic, video, or other conferencing process, if: (a) The meeting notice states the conferencing process to be used and provides information explaining how unit owners may participate in the conference directly or by meeting at a central

location or conference connection; and (b) the process provides all unit owners the opportunity to hear or perceive the discussion and to comment.

Sec. 6. RCW 64.34.340 and 1992 c 220 s 17 are each amended to read as follows:

~~((1) If only one of the multiple owners of a unit is present at a meeting of the association or has delivered a written ballot or proxy to the association secretary, the owner is entitled to cast all the votes allocated to that unit. If more than one of the multiple owners are present or has delivered a written ballot or proxy to the association secretary, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the multiple owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the multiple owners casts the votes allocated to that unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit.~~

~~((2) Votes allocated to a unit may be cast pursuant to a proxy duly executed by a unit owner. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the easting of votes by the other owners of the unit through a duly executed proxy. A unit owner may not revoke a proxy given pursuant to this section except by actual notice of revocation to the person presiding over a meeting of the association. A proxy is void if it is not dated or purports to be revocable without notice. Unless stated otherwise in the proxy, a proxy terminates eleven months after its date of issuance.~~

~~((3) If the declaration requires that votes on specified matters affecting the condominium be cast by lessees rather than unit owners of leased units: (a) The provisions of subsections (1) and (2) of this section apply to lessees as if they were unit owners; (b) unit owners who have leased their units to other persons may not cast votes on those specified matters; and (c) lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were unit owners. Unit owners must also be given notice, in the manner provided in RCW 64.34.332, of all meetings at which lessees may be entitled to vote.~~

~~(4) No votes allocated to a unit owned by the association may be cast, and in determining the percentage of votes required to act on any matter, the votes allocated to units owned by the association shall be disregarded.)~~ (1) Unit owners may vote at a meeting in person, by absentee ballot pursuant to subsection (3)(d) of this section, or by a proxy pursuant to subsection (5) of this section.

(2) When a vote is conducted without a meeting, unit owners may vote by ballot pursuant to subsection (6) of this section.

(3) At a meeting of unit owners the following requirements apply:

(a) Unit owners or their proxies who are present in person may vote by voice vote, show of hands, standing, written ballot, or any other method for determining the votes of unit owners, as designated by the person presiding at the meeting.

(b) If only one of several unit owners of a unit is present, that unit owner is entitled to cast all the votes allocated to that unit. If more than one of the unit owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the unit owners, unless the declaration expressly provides otherwise. There is a majority agreement if any one of the unit owners casts the votes allocated to the unit without protest being made promptly to the person presiding over the meeting by any of the other unit owners of the unit.

(c) Unless a greater number or fraction of the votes in the association is required under this chapter or the declaration or organizational documents, a majority of the votes cast determines the outcome of any action of the association.

(d) Whenever proposals or board members are to be voted upon at a meeting, a unit owner may vote by duly executed absentee ballot if:

(i) The name of each candidate and the text of each proposal to be voted upon are set forth in a writing accompanying or contained in the notice of meeting; and

(ii) A ballot is provided by the association for such purpose.

(4) When a unit owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the unit owner having the right to do so.

(5) Except as provided otherwise in the declaration or organizational documents, the following requirements apply with respect to proxy voting:

(a) Votes allocated to a unit may be cast pursuant to a directed or undirected proxy duly executed by a unit owner in the same manner as provided in RCW 24.06.110.

(b) If a unit is owned by more than one person, each unit owner of the unit may vote or register protest to the casting of votes by the other unit owners of the unit through a duly executed proxy.

(c) A unit owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the secretary or the person presiding over a meeting of the association or by delivery of a subsequent proxy. The death or disability of a unit owner does not revoke a proxy given by the unit owner unless the person presiding over the meeting has actual notice of the death or disability.

(d) A proxy is void if it is not dated or purports to be revocable without notice.

(e) Unless stated otherwise in the proxy, a proxy terminates eleven months after its date of issuance.

(6) Unless prohibited or limited by the declaration or organizational documents, an association may conduct a vote without a meeting. In that event, the following requirements apply:

(a) The association must notify the unit owners that the vote will be taken by ballot.

(b) The notice must state:

(i) The time and date by which a ballot must be delivered to the association to be counted, which may not be fewer than fourteen days after the date of the notice, and which deadline may be extended in accordance with (g) of this subsection;

(ii) The percent of votes necessary to meet the quorum requirements;

(iii) The percent of votes necessary to approve each matter other than election of board members; and

(iv) The time, date, and manner by which unit owners wishing to deliver information to all unit owners regarding the subject of the vote may do so.

(c) The association must deliver a ballot to every unit owner with the notice.

(d) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(e) A ballot cast pursuant to this section may be revoked only by actual notice to the association of revocation. The death or disability of a unit owner does not revoke a ballot unless the association has actual notice of the death or disability prior to the date set forth in (b)(i) of this subsection.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the association does not receive a sufficient number of votes to constitute a quorum or to approve the proposal by the date and time established for return of ballots, the board of directors may extend the deadline for a reasonable period not to exceed eleven months upon further notice to all members in accordance with (b) of this subsection. In that event, all votes previously cast on the proposal must be counted unless subsequently revoked as provided in this section.

(h) A ballot or revocation is not effective until received by the association.

(i) The association must give notice to unit owners of any action taken pursuant to this subsection within a reasonable time after the action is taken.

(j) When an action is taken pursuant to this subsection, a record of the action, including the ballots or a report of the persons appointed to tabulate such ballots, must be kept with the minutes of meetings of the association.

(7) If the governing documents require that votes on specified matters affecting the common interest community be cast by

lessees rather than unit owners of leased units:

(a) This section applies to lessees as if they were unit owners;

(b) Unit owners that have leased their units to other persons may not cast votes on those specified matters; and

(c) Lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were unit owners.

(8) Unit owners must also be given notice, in the manner provided in section 8 of this act, of all meetings at which lessees may be entitled to vote.

(9) In any vote of the unit owners, votes allocated to a unit owned by the association must be cast in the same proportion as the votes cast on the matter by unit owners other than the association.

Sec. 7. RCW 64.34.352 and 1992 c 220 s 18 are each amended to read as follows:

(1) Commencing not later than the time of the first conveyance of a unit to a person other than a declarant, the association shall maintain, to the extent reasonably available:

(a) Property insurance on the condominium, which may, but need not, include equipment, improvements, and betterments in a unit installed by the declarant or the unit owners, insuring against all risks of direct physical loss commonly insured against. The total amount of insurance after application of any deductibles shall be not less than eighty percent, or such greater amount specified in the declaration, of the actual cash value of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations, and other items normally excluded from property policies; and

(b) Liability insurance, including medical payments insurance, in an amount determined by the board of directors but not less than the amount specified in the declaration, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements.

(2) If the insurance described in subsection (1) of this section is not

reasonably available, or is modified, canceled, or not renewed, the association promptly shall cause notice of that fact to be provided to each unit owner in accordance with this chapter and hand-delivered or sent prepaid by first-class United States mail (~~to all unit owners,~~) to each eligible mortgagee~~(7)~~ and to each mortgagee to whom a certificate or memorandum of insurance has been issued at their respective last known addresses. The declaration may require the association to carry any other insurance, and the association in any event may carry any other insurance it deems appropriate to protect the association or the unit owners.

(3) Insurance policies carried pursuant to subsection (1) of this section shall provide that:

(a) Each unit owner is an insured person under the policy with respect to liability arising out of the owner's interest in the common elements or membership in the association;

(b) The insurer waives its right to subrogation under the policy against any unit owner, member of the owner's household, and lessee of the owner;

(c) No act or omission by any unit owner, unless acting within the scope of the owner's authority on behalf of the association, will void the policy or be a condition to recovery under the policy; and

(d) If, at the time of a loss under the policy, there is other insurance in the name of a unit owner covering the same risk covered by the policy, the association's policy provides primary insurance.

(4) Any loss covered by the property insurance under subsection (1)(a) of this section must be adjusted with the association, but the insurance proceeds for that loss are payable to any insurance trustee designated for that purpose, or otherwise to the association, and not to any holder of a mortgage. The insurance trustee or the association shall hold any insurance proceeds in trust for unit owners and lienholders as their interests may appear. Subject to the provisions of subsection (7) of this section, the proceeds must be disbursed first for the repair or restoration of the damaged property, and unit owners and lienholders are not entitled to receive payment of any portion of the proceeds

unless there is a surplus of proceeds after the property has been completely repaired or restored or the condominium is terminated.

(5) An insurance policy issued to the association does not prevent a unit owner from obtaining insurance for the owner's own benefit.

(6) An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to the association and, upon written request, to any unit owner or holder of a mortgage. The insurer issuing the policy may not modify the amount or the extent of the coverage of the policy or cancel or refuse to renew the policy unless the insurer has complied with all applicable provisions of chapter 48.18 RCW pertaining to the cancellation or nonrenewal of contracts of insurance. The insurer shall not modify the amount or the extent of the coverage of the policy, or cancel or refuse to renew the policy without complying with this section.

(7) Any portion of the condominium for which insurance is required under this section which is damaged or destroyed shall be repaired or replaced promptly by the association unless: (a) The condominium is terminated; (b) repair or replacement would be illegal under any state or local health or safety statute or ordinance; or (c) eighty percent of the unit owners, including every owner of a unit or assigned limited common element which will not be rebuilt, vote not to rebuild. The cost of repair or replacement in excess of insurance proceeds and reserves is a common expense. If all of the damaged or destroyed portions of the condominium are not repaired or replaced: (i) The insurance proceeds attributable to the damaged common elements shall be used to restore the damaged area to a condition compatible with the remainder of the condominium; (ii) the insurance proceeds attributable to units and limited common elements which are not rebuilt shall be distributed to the owners of those units and the owners of the units to which those limited common elements were allocated, or to lienholders, as their interests may appear; and (iii) the remainder of the proceeds shall be distributed to all the unit owners or lienholders, as their interests may appear, in proportion to the common element interests of all the units. If the unit owners vote not to rebuild any

unit, that unit's allocated interests are automatically reallocated upon the vote as if the unit had been condemned under RCW 64.34.060(1), and the association promptly shall prepare, execute, and record an amendment to the declaration reflecting the reallocations. Notwithstanding the provisions of this subsection, RCW 64.34.268 governs the distribution of insurance proceeds if the condominium is terminated.

(8) The provisions of this section may be varied or waived as provided in the declaration if all units of a condominium are restricted to nonresidential use.

NEW SECTION. **Sec. 8.** A new section is added to chapter 64.34 RCW to read as follows:

(1) Notwithstanding any inconsistent provision in the governing documents, notice to the association, board of directors, or any owner or occupant of a unit under this chapter shall be in writing and shall be provided to the recipient by personal delivery, public or private mail or delivery service, or by electronic transmission as provided in this section: PROVIDED, That if this chapter requires different or additional notice requirements for particular circumstances, those requirements shall apply.

(2) Notice in a tangible medium shall be provided as follows:

(a) Notice to the association or board of directors shall be addressed to the association's registered agent at its registered office, to the association at its principal office shown in its most recent annual report, or to an address provided by the association to the unit owners.

(b) Notice to a unit owner or occupant shall be addressed to the unit address unless the unit owner has requested, in a writing delivered to the association, that notices be sent to an alternate address.

(3) Notice in an electronic transmission shall be provided as follows:

(a) Notice to the association, the board of directors, or unit owners by electronic transmission is effective only upon those who have consented, in writing, to receive electronically transmitted notices under this chapter and have designated the address,

location, or system to which such notices may be electronically transmitted, provided that such notice otherwise complies with any other requirements of this chapter and applicable law.

(b) Notice under this subsection includes any materials that accompany the notice.

(c) Owners who have consented to receipt of electronically transmitted notices may revoke this consent by delivering a revocation to the association in writing.

(d) The consent of any owner is revoked if the association is unable to electronically transmit two consecutive notices and this inability becomes known to the secretary of the association or any other person responsible for giving the notice. The inadvertent failure by the association to treat this inability as a revocation does not invalidate any meeting or other action.

(e) Notice to unit owners who have consented to receipt of electronically transmitted notices may be provided by posting the notice on an electronic network and delivering to the unit owner separate notice of the posting, together with comprehensible instructions regarding how to obtain access to the posting on the electronic network.

(4) Notice is effective as follows:

(a) Notice provided in a tangible medium is effective as of the date of hand delivery, deposit with the carrier, or when sent by fax.

(b) Notice provided in an electronic transmission is effective as of the date it:

(i) Is electronically transmitted to an address, location, or system designated by the recipient for that purpose; or

(ii) Has been posted on an electronic network and separate notice of the posting has been sent to the recipient containing instructions regarding how to obtain access to the posting on the electronic network.

(5) The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

(6) This chapter modifies, limits, and supersedes the federal electronic signatures in global and national

commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(c) or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

Sec. 9. RCW 64.38.010 and 2011 c 189 s 7 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Assessment" means all sums chargeable to an owner by an association in accordance with RCW 64.38.020.

(2) "Baseline funding plan" means establishing a reserve funding goal of maintaining a reserve account balance above zero dollars throughout the thirty-year study period described under RCW 64.38.065.

(3) "Board of directors" or "board" means the body, regardless of name, with primary authority to manage the affairs of the association.

(4) "Common areas" means property owned, or otherwise maintained, repaired or administered by the association.

(5) "Common expense" means the costs incurred by the association to exercise any of the powers provided for in this chapter.

(6) "Contribution rate" means, in a reserve study as described in RCW (~~64.34.380~~) 64.38.065, the amount contributed to the reserve account so that the association will have cash reserves to pay major maintenance, repair, or replacement costs without the need of a special assessment.

(7) "Effective age" means the difference between the estimated useful life and remaining useful life.

(8) "Full funding plan" means setting a reserve funding goal of achieving one hundred percent fully funded reserves by the end of the thirty-year study period described under RCW 64.38.065, in which the reserve account balance equals the sum of the deteriorated portion of all reserve components.

(9) "Fully funded balance" means the current value of the deteriorated portion, not the total replacement value, of all the reserve components. The fully funded balance for each reserve component is calculated by multiplying the current replacement cost of the reserve component by its effective age, then dividing the

result by the reserve component's useful life. The sum total of all reserve components' fully funded balances is the association's fully funded balance.

(10) "Governing documents" means the articles of incorporation, bylaws, plat, declaration of covenants, conditions, and restrictions, rules and regulations of the association, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction.

(11) "Homeowners' association" or "association" means a corporation, unincorporated association, or other legal entity, each member of which is an owner of residential real property located within the association's jurisdiction, as described in the governing documents, and by virtue of membership or ownership of property is obligated to pay real property taxes, insurance premiums, maintenance costs, or for improvement of real property other than that which is owned by the member. "Homeowners' association" does not mean an association created under chapter 64.32 or 64.34 RCW.

(12) "Lot" means a physical portion of the real property located within an association's jurisdiction designated for separate ownership.

(13) "Owner" means the owner of a lot, but does not include a person who has an interest in a lot solely as security for an obligation. "Owner" also means the vendee, not the vendor, of a lot under a real estate contract.

(14) "Remaining useful life" means the estimated time, in years, before a reserve component will require major maintenance, repair, or replacement to perform its intended function.

(15) "Replacement cost" means the current cost of replacing, repairing, or restoring a reserve component to its original functional condition.

(16) "Reserve component" means a common element whose cost of maintenance, repair, or replacement is infrequent, significant, and impractical to include in an annual budget.

(17) "Reserve study professional" means an independent person who is suitably qualified by knowledge, skill, experience, training, or education to

prepare a reserve study in accordance with RCW ~~((64.34.380))~~ 64.38.065 and ~~((64.34.382))~~ 64.38.070.

(18) "Residential real property" means any real property, the use of which is limited by law, covenant or otherwise to primarily residential or recreational purposes.

(19) "Significant assets" means that the current replacement value of the major reserve components is seventy-five percent or more of the gross budget of the association, excluding the association's reserve account funds.

(20) "Useful life" means the estimated time, between years, that major maintenance, repair, or replacement is estimated to occur.

(21) "Electronic transmission" or "electronically transmitted" means any electronic communication not directly involving the physical transfer of a writing in a tangible medium, but that may be retained, retrieved, and reviewed by the sender and the recipient of the communication, and that may be directly reproduced in a tangible medium by a sender and recipient.

(22) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

Sec. 10. RCW 64.38.035 and 2014 c 20 s 1 are each amended to read as follows:

(1) A meeting of the association must be held at least once each year. Special meetings of the association may be called by the president, a majority of the board of directors, or by owners having ten percent of the votes in the association. The association must make available to each owner of record for examination and copying minutes from the previous association meeting not more than sixty days after the meeting. Minutes of the previous association meeting must be approved at the next association meeting in accordance with the association's governing documents.

(2) Not less than fourteen nor more than ~~((sixty))~~ fifty days in advance of any meeting of the association, the secretary or other officers specified in the bylaws shall ~~((provide written))~~ cause notice of the meeting to be provided to each owner ~~((of record by:~~

~~(a) Hand delivery to the mailing address of the owner or other address designated in writing by the owner;~~

~~(b) Prepaid first class United States mail to the mailing address of the owner or to any other mailing address designated in writing by the owner; or~~

~~(c) Electronic transmission to an address, location, or system designated in writing by the owner. Notice to owners by an electronic transmission complies with this section only with respect to those owners who have delivered to the secretary or other officers specified in the bylaws a written record consenting to receive electronically transmitted notices. An owner who has consented to receipt of electronically transmitted notices may revoke the consent at any time by delivering a written record of the revocation to the secretary or other officer specified in the bylaws. Consent is deemed revoked if the secretary or other officer specified in the bylaws is unable to electronically transmit two consecutive notices given in accordance with the consent))~~ in accordance with this chapter.

(3) The notice of any meeting shall state the time and place of the meeting and the business to be placed on the agenda by the board of directors for a vote by the owners, including the general nature of any proposed amendment to the articles of incorporation, bylaws, any budget or changes in the previously approved budget that result in a change in assessment obligation, and any proposal to remove a director.

(4) Except as provided in this subsection, all meetings of the board of directors shall be open for observation by all owners of record and their authorized agents. The board of directors shall keep minutes of all actions taken by the board, which shall be available to all owners. Upon the affirmative vote in open meeting to assemble in closed session, the board of directors may convene in closed executive session to consider personnel matters; consult with legal counsel or consider communications with legal counsel; and discuss likely or pending litigation, matters involving possible violations of the governing documents of the association, and matters involving the possible liability of an owner to the association. The motion shall state specifically the purpose for the closed session. Reference to the motion and the stated purpose for the

closed session shall be included in the minutes. The board of directors shall restrict the consideration of matters during the closed portions of meetings only to those purposes specifically exempted and stated in the motion. No motion, or other action adopted, passed, or agreed to in closed session may become effective unless the board of directors, following the closed session, reconvenes in open meeting and votes in the open meeting on such motion, or other action which is reasonably identified. The requirements of this subsection shall not require the disclosure of information in violation of law or which is otherwise exempt from disclosure.

(5) Except as otherwise restricted by the governing documents, meetings of the association may be conducted by telephonic, video, or other conferencing process, if: (a) The meeting notice states the conferencing process to be used and provides information explaining how owners may participate in the conference directly or by meeting at a central location or conference connection; and (b) the process provides all owners the opportunity to hear or perceive the discussion and to comment.

NEW SECTION. Sec. 11. A new section is added to chapter 64.38 RCW to read as follows:

(1) Notwithstanding any inconsistent provision in the governing documents, notice to the association of apartment owners, board, or any apartment owner or occupant of an apartment under this chapter shall be in writing and shall be provided to the recipient by personal delivery, public or private mail or delivery service, or by electronic transmission as provided in this section: PROVIDED, That if this chapter requires different or additional notice requirements for particular circumstances, those requirements shall apply.

(2) Notice in a tangible medium shall be provided as follows:

(a) Notice to the association or board shall be addressed to the association's registered agent at its registered office, to the association at its principal office shown in its most recent annual report, or to an address provided by the association to the apartment owners.

(b) Notice to a lot owner or occupant shall be addressed to the lot address

unless the owner has requested, in a writing delivered to the association, that notices be sent to an alternate address.

(3) Notice in an electronic transmission shall be provided as follows:

(a) Notice to the association, the board, or lot owners by electronic transmission is effective only upon those who have consented, in writing, to receive electronically transmitted notices under this chapter and have designated the address, location, or system to which such notices may be electronically transmitted, provided that such notice otherwise complies with any other requirements of this chapter and applicable law.

(b) Notice under this subsection includes any materials that accompany the notice.

(c) Owners who have consented to receipt of electronically transmitted notices may revoke this consent by delivering a revocation to the association in writing.

(d) The consent of any lot owner is revoked if the association is unable to electronically transmit two consecutive notices and this inability becomes known to the secretary of the association of apartment owners or any other person responsible for giving the notice. The inadvertent failure by the association of apartment owners to treat this inability as a revocation does not invalidate any meeting or other action.

(e) Notice to lot owners who have consented to receipt of electronically transmitted notices may be provided by posting the notice on an electronic network and delivering to the owner separate notice of the posting, together with comprehensible instructions regarding how to obtain access to the posting on the electronic network.

(4) Notice is effective as follows:

(a) Notice provided in a tangible medium is effective as of the date of hand delivery, deposit with the carrier, or when sent by fax.

(b) Notice provided in an electronic transmission is effective as of the date it:

(i) Is electronically transmitted to an address, location, or system

designated by the recipient for that purpose; or

(ii) Has been posted on an electronic network and separate notice of the posting has been sent to the recipient containing instructions regarding how to obtain access to the posting on the electronic network.

(5) The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

(6) This chapter modifies, limits, and supersedes the federal electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(c) or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 12. A new section is added to chapter 64.38 RCW to read as follows:

(1) Owners may vote at a meeting in person, by absentee ballot pursuant to subsection (3)(d) of this section, or by a proxy pursuant to subsection (5) of this section.

(2) When a vote is conducted without a meeting, owners may vote by ballot pursuant to subsection (6) of this section.

(3) At a meeting of owners the following requirements apply:

(a) Owners or their proxies who are present in person may vote by voice vote, show of hands, standing, written ballot, or any other method for determining the votes of owners, as designated by the person presiding at the meeting.

(b) If only one of several owners of a lot is present, that lot owner is entitled to cast all the votes allocated to that lot. If more than one of the lot owners are present, the votes allocated to that lot may be cast only in accordance with the agreement of a majority in interest of the lot owners, unless the declaration expressly provides otherwise. There is a majority agreement if any one of the lot owners casts the votes allocated to the lot without protest being made promptly to the person presiding over the meeting by any of the other lot owners of the lot.

(c) Unless a greater number or fraction of the votes in the association is required under this chapter or the declaration or organizational documents, a majority of the votes cast determines the outcome of any action of the association.

(d) Whenever proposals or board members are to be voted upon at a meeting, an owner may vote by duly executed absentee ballot if:

(i) The name of each candidate and the text of each proposal to be voted upon are set forth in a writing accompanying or contained in the notice of meeting; and

(ii) A ballot is provided by the association for such purpose.

(4) When an owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the owner having the right to do so.

(5) Except as provided otherwise in the declaration or organizational documents, the following requirements apply with respect to proxy voting:

(a) Votes allocated to a lot may be cast pursuant to a directed or undirected proxy duly executed by a lot owner in the same manner as provided in RCW 24.06.110.

(b) If a lot is owned by more than one person, each lot owner of the lot may vote or register protest to the casting of votes by the other lot owners of the lot through a duly executed proxy.

(c) An owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the secretary or the person presiding over a meeting of the association or by delivery of a subsequent proxy. The death or disability of an owner does not revoke a proxy given by the owner unless the person presiding over the meeting has actual notice of the death or disability.

(d) A proxy is void if it is not dated or purports to be revocable without notice.

(e) Unless stated otherwise in the proxy, a proxy terminates eleven months after its date of issuance.

(6) Unless prohibited or limited by the declaration or organizational documents, an association may conduct a vote without a meeting. In that event, the following requirements apply:

(a) The association must notify the owners that the vote will be taken by ballot.

(b) The notice must state:

(i) The time and date by which a ballot must be delivered to the association to be counted, which may not be fewer than fourteen days after the date of the notice, and which deadline may be extended in accordance with (g) of this subsection;

(ii) The percent of votes necessary to meet the quorum requirements;

(iii) The percent of votes necessary to approve each matter other than election of board members; and

(iv) The time, date, and manner by which owners wishing to deliver information to all owners regarding the subject of the vote may do so.

(c) The association must deliver a ballot to every owner with the notice.

(d) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(e) A ballot cast pursuant to this section may be revoked only by actual notice to the association of revocation. The death or disability of an owner does not revoke a ballot unless the association has actual notice of the death or disability prior to the date set forth in (b) (i) of this subsection.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the association does not receive a sufficient number of votes to constitute a quorum or to approve the proposal by the date and time established for return of ballots, the board may extend the deadline for a reasonable period not to exceed eleven months upon further notice to all members in accordance with (b) of this subsection. In that event, all votes previously cast on the proposal must be counted unless subsequently revoked as provided in this section.

(h) A ballot or revocation is not effective until received by the association.

(i) The association must give notice to owners of any action taken pursuant to this subsection within a reasonable time after the action is taken.

(j) When an action is taken pursuant to this subsection, a record of the action, including the ballots or a report of the persons appointed to tabulate such ballots, must be kept with the minutes of meetings of the association.

(7) If the governing documents require that votes on specified matters affecting the common interest community be cast by lessees rather than owners of leased lots:

(a) This section applies to lessees as if they were owners;

(b) Owners that have leased their lots to other persons may not cast votes on those specified matters; and

(c) Lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were owners.

(8) Owners must also be given notice, in the manner provided in section 11 of this act, of all meetings at which lessees may be entitled to vote.

(9) In any vote of the lot owners, votes allocated to a lot owned by the association must be cast in the same proportion as the votes cast on the matter by lot owners other than the association.

Sec. 13. RCW 64.90.445 and 2019 c 238 s 210 are each amended to read as follows:

(1) The following requirements apply to unit owner meetings:

(a) A meeting of the association must be held at least once each year. Failure to hold an annual meeting does not cause a forfeiture or give cause for dissolution of the association and does not affect otherwise valid association acts.

(b) (i) An association must hold a special meeting of unit owners to address any matter affecting the common interest community or the association if its president, a majority of the board, or unit owners having at least twenty percent, or any lower percentage specified in the organizational documents, of the votes in the association request that the secretary call the meeting.

(ii) If the association does not provide notice to unit owners of a special meeting within thirty days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly provide notice to all the unit owners of the meeting. Only matters described in the meeting notice required in (c) of this subsection may be considered at a special meeting.

(c) An association must provide notice to unit owners of the time, date, and place of each annual and special unit owners meeting not less than fourteen days and not more than fifty days before the meeting date. Notice may be by any means described in RCW 64.90.515. The notice of any meeting must state the time, date, and place of the meeting and the items on the agenda, including:

(i) The text of any proposed amendment to the declaration or organizational documents;

(ii) Any changes in the previously approved budget that result in a change in the assessment obligations; and

(iii) Any proposal to remove a board member or officer.

(d) The minimum time to provide notice required in (c) of this subsection may be reduced or waived for a meeting called to deal with an emergency.

(e) Unit owners must be given a reasonable opportunity at any meeting to comment regarding any matter affecting the common interest community or the association.

(f) ~~((The))~~ Except as otherwise restricted by the declaration or organizational documents ((may allow for)), meetings of unit owners ~~((to))~~ may be conducted by telephonic, video, or other conferencing process, if the process is consistent with subsection (2)(i) of this section.

(2) The following requirements apply to meetings of the board and committees authorized to act for the board:

(a) Meetings must be open to the unit owners except during executive sessions, but the board may expel or prohibit attendance by any person who, after warning by the chair of the meeting, disrupts the meeting. The board and those committees may hold an executive session only during a regular or special meeting of the board or a committee. A final vote

or action may not be taken during an executive session.

(b) An executive session may be held only to:

(i) Consult with the association's attorney concerning legal matters;

(ii) Discuss existing or potential litigation or mediation, arbitration, or administrative proceedings;

(iii) Discuss labor or personnel matters;

(iv) Discuss contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated, including the review of bids or proposals, if premature general knowledge of those matters would place the association at a disadvantage; or

(v) Prevent public knowledge of the matter to be discussed if the board or committee determines that public knowledge would violate the privacy of any person.

(c) For purposes of this subsection, a gathering of members of the board or committees at which the board or committee members do not conduct association business is not a meeting of the board or committee. Board members and committee members may not use incidental or social gatherings to evade the open meeting requirements of this subsection.

(d) During the period of declarant control, the board must meet at least four times a year. At least one of those meetings must be held at the common interest community or at a place convenient to the community. After the transition meeting, all board meetings must be at the common interest community or at a place convenient to the common interest community unless the unit owners amend the bylaws to vary the location of those meetings.

(e) At each board meeting, the board must provide a reasonable opportunity for unit owners to comment regarding matters affecting the common interest community and the association.

(f) Unless the meeting is included in a schedule given to the unit owners or the meeting is called to deal with an emergency, the secretary or other officer specified in the organizational documents must provide notice of each board meeting to each board member and to

the unit owners. The notice must be given at least fourteen days before the meeting and must state the time, date, place, and agenda of the meeting.

(g) If any materials are distributed to the board before the meeting, the board must make copies of those materials reasonably available to the unit owners, except that the board need not make available copies of unapproved minutes or materials that are to be considered in executive session.

(h) Unless the organizational documents provide otherwise, fewer than all board members may participate in a regular or special meeting by or conduct a meeting through the use of any means of communication by which all board members participating can hear each other during the meeting. A board member participating in a meeting by these means is deemed to be present in person at the meeting.

(i) Unless the organizational documents provide otherwise, the board may meet by participation of all board members by telephonic, video, or other conferencing process if:

(i) The meeting notice states the conferencing process to be used and provides information explaining how unit owners may participate in the conference directly or by meeting at a central location or conference connection; and

(ii) The process provides all unit owners the opportunity to hear or perceive the discussion and to comment as provided in (e) of this subsection.

(j) After the transition meeting, unit owners may amend the organizational documents to vary the procedures for meetings described in (i) of this subsection.

(k) Instead of meeting, the board may act by unanimous consent as documented in a record by all its members. Actions taken by unanimous consent must be kept as a record of the association with the meeting minutes. After the transition meeting, the board may act by unanimous consent only to undertake ministerial actions, actions subject to ratification by the unit owners, or to implement actions previously taken at a meeting of the board.

(l) A board member who is present at a board meeting at which any action is taken is presumed to have assented to the action taken unless the board member's

dissent or abstention to such action is lodged with the person acting as the secretary of the meeting before adjournment of the meeting or provided in a record to the secretary of the association immediately after adjournment of the meeting. The right to dissent or abstain does not apply to a board member who voted in favor of such action at the meeting.

(m) A board member may not vote by proxy or absentee ballot.

(n) Even if an action by the board is not in compliance with this section, it is valid unless set aside by a court. A challenge to the validity of an action of the board for failure to comply with this section may not be brought more than ninety days after the minutes of the board of the meeting at which the action was taken are approved or the record of that action is distributed to unit owners, whichever is later.

(3) Minutes of all unit owner meetings and board meetings, excluding executive sessions, must be maintained in a record. The decision on each matter voted upon at a board meeting or unit owner meeting must be recorded in the minutes."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

Referred to Committee on Rules for second reading.

March 12, 2021

ESB 5026

Prime Sponsor, Senator Salomon: Concerning moneys available to a port district allocated for the purchase of zero and near zero emissions cargo handling equipment. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

March 12, 2021

SB 5132 Prime Sponsor, Senator Pedersen:
Concerning trusts and estates. Reported by
Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by
Representatives Hansen, Chair; Simmons, Vice Chair;
Abbarno; Davis; Entenman; Goodman; Kirby; Orwall;
Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without
recommendation. Signed by Representatives Walsh,
Ranking Minority Member; Gilday, Assistant Ranking
Minority Member; Graham, Assistant Ranking Minority
Member; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's
committee reports under the fifth order of business were
referred to the committees so designated.

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

MOTION

There being no objection, the Committee on Health Care
& Wellness was relieved of ENGROSSED SUBSTITUTE
SENATE BILL NO. 5370, and the bill was referred to the
Committee on Civil Rights & Judiciary.

There being no objection, the House adjourned until
9:55a.m., March 17, 2021, the 66th Legislative Day of the
Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTY SIXTH DAY

House Chamber, Olympia, Wednesday, March 17, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

March 15, 2021

SSB 5013 Prime Sponsor, Committee on State Government & Elections: Concerning local redistricting deadlines. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.76.010 and 2018 c 301 s 8 are each amended to read as follows:

(1) It is the responsibility of each county, municipal corporation, and special purpose district with a governing body comprised of internal director, council, or commissioner districts not based on statutorily required land ownership criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census.

(2) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each municipal corporation, county, and district charged with redistricting under this section.

(3) Except as otherwise provided in chapter 301, Laws of 2018, (~~no later than eight months after its receipt of federal decennial census data,~~) the governing body of the municipal corporation, county, or district shall

prepare a plan for redistricting its internal or director districts:

(a) By December 31, 2021, if the jurisdiction is scheduled to elect members to its governing body in 2022; or

(b) By November 15, 2022, if the jurisdiction is not scheduled to elect members to its governing body in 2022.

(4) The plan shall be consistent with the following criteria:

(a) Each internal director, council, or commissioner district shall be as nearly equal in population as possible to each and every other such district comprising the municipal corporation, county, or special purpose district.

(b) Each district shall be as compact as possible.

(c) Each district shall consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation, county, or district shall ensure that full and reasonable public notice of its actions is provided. Before adopting the plan, the municipal corporation, county, or district must:

(a) Publish the draft plan and hold a meeting, including notice and comment, within ten days of publishing the draft plan and at least one week before adopting the plan; and

(b) Amend the draft as necessary after receiving public comments and resubmit any amended draft plan for additional

written public comment at least one week before adopting the plan.

(6) (a) Any registered voter residing in an area affected by the redistricting plan may request review of the adopted local plan by the superior court of the county in which he or she resides, within fifteen days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation, county, or district may be joined as respondent. The superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in subsection (4) of this section.

(b) If the superior court finds the plan to be consistent with the requirements of this section, the plan shall take effect immediately.

(c) If the superior court determines the plan does not meet the requirements of this section, in whole or in part, it shall remand the plan for further or corrective action within a specified and reasonable time period.

(d) If the superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation, county, or district.

Sec. 2. RCW 29A.76.010 and 2018 c 301 s 8 are each amended to read as follows:

(1) It is the responsibility of each county, municipal corporation, and special purpose district with a governing body comprised of internal director, council, or commissioner districts not based on statutorily required land ownership criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census.

(2) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each municipal corporation, county, and district charged with redistricting under this section.

(3) Except as otherwise provided in chapter 301, Laws of 2018, no later than ~~((eight months after its receipt of federal decennial census data))~~ November 15th of each year ending in one, the governing body of the municipal corporation, county, or district shall prepare a plan for redistricting its internal or director districts.

(4) The plan shall be consistent with the following criteria:

(a) Each internal director, council, or commissioner district shall be as nearly equal in population as possible to each and every other such district comprising the municipal corporation, county, or special purpose district.

(b) Each district shall be as compact as possible.

(c) Each district shall consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation, county, or district shall ensure that full and reasonable public notice of its actions is provided. Before adopting the plan, the municipal corporation, county, or district must:

(a) Publish the draft plan and hold a meeting, including notice and comment, within ten days of publishing the draft plan and at least one week before adopting the plan; and

(b) Amend the draft as necessary after receiving public comments and resubmit any amended draft plan for additional written public comment at least one week before adopting the plan.

(6) (a) Any registered voter residing in an area affected by the redistricting plan may request review of the adopted local plan by the superior court of the county in which he or she resides, within fifteen days of the plan's adoption. Any request for review must specify the

reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation, county, or district may be joined as respondent. The superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in subsection (4) of this section.

(b) If the superior court finds the plan to be consistent with the requirements of this section, the plan shall take effect immediately.

(c) If the superior court determines the plan does not meet the requirements of this section, in whole or in part, it shall remand the plan for further or corrective action within a specified and reasonable time period.

(d) If the superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation, county, or district.

Sec. 3. RCW 29A.92.050 and 2019 c 454 s 1 and 2019 c 64 s 8 are each reenacted and amended to read as follows:

(1)(a) Prior to the adoption of its proposed plan, the political subdivision must provide public notice to residents of the subdivision about the proposed remedy to a potential violation of RCW 29A.92.020. If a significant segment of the residents of the subdivision have limited English proficiency and speaks a language other than English, the political subdivision must:

(i) Provide accurate written and verbal notice of the proposed remedy in languages that diverse residents of the political subdivision can understand, as indicated by demographic data; and

(ii) Air radio or television public service announcements describing the proposed remedy broadcast in the languages that diverse residents of the political subdivision can understand, as indicated by demographic data.

(b) The political subdivision shall hold at least one public hearing on the proposed plan at least one week before adoption.

(c) For purposes of this section, "significant segment of the community"

means five percent or more of residents, or five hundred or more residents, whichever is fewer, residing in the political subdivision.

(2)(a) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the political subdivision shall order new elections to occur at the next succeeding general election.

(b) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the political subdivision shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(3) If a political subdivision implements a district-based election system under RCW 29A.92.040(2), the plan shall be consistent with the following criteria:

(a) Each district shall be as reasonably equal in population as possible to each and every other such district comprising the political subdivision.

(b) Each district shall be reasonably compact.

(c) Each district shall consist of geographically contiguous area.

(d) To the extent feasible, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(e) District boundaries may not be drawn or maintained in a manner that creates or perpetuates the dilution of the votes of the members of a protected class or classes.

(f) All positions on the governing body must stand for election at the next election for the governing body, scheduled pursuant to subsection (2) of this section. The governing body may subsequently choose to stagger the terms of its positions.

(4) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each political subdivision.

(5) ~~((No later than eight months after its receipt of federal decennial census data, the))~~ The governing body of the political subdivision that had previously invoked its authority under RCW 29A.92.040 to implement a district-based election system, or that was previously charged with redistricting under RCW 29A.92.110, shall prepare a plan for redistricting its districts, pursuant to RCW 29A.76.010, and in a manner consistent with this chapter:

(a) By December 31, 2021, if the political subdivision is scheduled to elect members to its governing body in 2022; or

(b) By November 15, 2022, if the political subdivision is not scheduled to elect members to its governing body in 2022.

Sec. 4. RCW 29A.92.050 and 2019 c 454 s 1 and 2019 c 64 s 8 are each reenacted and amended to read as follows:

(1)(a) Prior to the adoption of its proposed plan, the political subdivision must provide public notice to residents of the subdivision about the proposed remedy to a potential violation of RCW 29A.92.020. If a significant segment of the residents of the subdivision have limited English proficiency and speaks a language other than English, the political subdivision must:

(i) Provide accurate written and verbal notice of the proposed remedy in languages that diverse residents of the political subdivision can understand, as indicated by demographic data; and

(ii) Air radio or television public service announcements describing the proposed remedy broadcast in the languages that diverse residents of the political subdivision can understand, as indicated by demographic data.

(b) The political subdivision shall hold at least one public hearing on the proposed plan at least one week before adoption.

(c) For purposes of this section, "significant segment of the community" means five percent or more of residents,

or five hundred or more residents, whichever is fewer, residing in the political subdivision.

(2)(a) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the political subdivision shall order new elections to occur at the next succeeding general election.

(b) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the political subdivision shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(3) If a political subdivision implements a district-based election system under RCW 29A.92.040(2), the plan shall be consistent with the following criteria:

(a) Each district shall be as reasonably equal in population as possible to each and every other such district comprising the political subdivision.

(b) Each district shall be reasonably compact.

(c) Each district shall consist of geographically contiguous area.

(d) To the extent feasible, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(e) District boundaries may not be drawn or maintained in a manner that creates or perpetuates the dilution of the votes of the members of a protected class or classes.

(f) All positions on the governing body must stand for election at the next election for the governing body, scheduled pursuant to subsection (2) of this section. The governing body may subsequently choose to stagger the terms of its positions.

(4) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each political subdivision.

(5) No later than ~~((eight months after its receipt of federal decennial census data))~~ November 15th of each year ending in one, the governing body of the political subdivision that had previously invoked its authority under RCW 29A.92.040 to implement a district-based election system, or that was previously charged with redistricting under RCW 29A.92.110, shall prepare a plan for redistricting its districts, pursuant to RCW 29A.76.010, and in a manner consistent with this chapter.

NEW SECTION. Sec. 5. Sections 1 and 3 of this act expire January 1, 2023.

NEW SECTION. Sec. 6. Sections 2 and 4 of this act take effect January 1, 2023.

NEW SECTION. Sec. 7. Sections 1 and 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5021 Prime Sponsor, Senator Hunt: Concerning the effect of expenditure reduction efforts on retirement benefits for public employees, including those participating in the shared work program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff and Schmick.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5058 Prime Sponsor, Senator Rolfes: Making technical changes to certain natural resources-related accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 15, 2021

SSB 5080 Prime Sponsor, Committee on Ways & Means: Providing flexibility in the distribution and use of local funds dedicated to facilities used for youth educational programming. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5106 Prime Sponsor, Senator Liias: Concerning municipal access to local financial services. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5131 Prime Sponsor, Senator Holy: Concerning county clerks duties related to recall petitions. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5296 Prime Sponsor, Senator Schoeler: Modifying the definition of index for the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5303 Prime Sponsor, Senator Hunt: Exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5322 Prime Sponsor, Senator Robinson: Prohibiting dual enrollment between school employees' benefits board and public employees' benefits board programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 15, 2021

SB 5367 Prime Sponsor, Senator Conway: Directing the department of retirement systems to create rules regarding automatic refunds of retirement contributions in the retirement systems listed in RCW 41.50.030. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 25, 2021

SB 5431 Prime Sponsor, Senator Randall: Creating the Rosa Franklin legislative internship program scholarship. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude;

Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker assumed the chair.

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

The House was called to order by the Speaker. The Clerk called the roll and a quorum was present.

The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Jesse Johnson, 30th Legislative District.

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

SECOND READING

HOUSE BILL NO. 1477, by Representatives Orwall, Davis, Ortiz-Self, Callan, Simmons, J. Johnson, Goodman, Ryu, Ormsby, Valdez, Frame, Berg, Bergquist, Harris-Talley, Chopp, Macri, Peterson and Pollet

Implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1477 was substituted for House Bill No. 1477 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1477 was read the second time.

With the consent of the House, amendments (334), (415) and (422) were withdrawn.

Representative Orwall moved the adoption of amendment (419):

On page 8, line 30, after "(d)" insert "A representative of the office of the insurance commissioner;

(e) "

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

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

Amendment (419) was adopted.

Representative Cody moved the adoption of amendment (310):

On page 9, line 13, after "of" strike "medicaid managed care organizations" and insert "health plans, as recommended by the association of Washington health plans"

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

Amendment (310) was adopted.

Representative Dent moved the adoption of amendment (413):

On page 10, line 8, after "(f)" insert "A work plan to establish the capacity for the crisis call center hubs to integrate Spanish language interpreters and Spanish-speaking call center staff into their operations and to ensure the availability of resources to meet the unique needs of persons in the agricultural community who are experiencing mental health stresses. The work plan must explicitly address concerns regarding confidentiality.

(g) "

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

Representatives Dent, Valdez and Dent (again) spoke in favor of the adoption of the amendment.

Amendment (413) was adopted.

Representative Vick moved the adoption of amendment (444):

On page 12, line 31, after "line;" insert "and"

On page 12, line 32, after "2023," strike "through June 30, 2024,"

On page 12, line 33, after "line" strike "; and"

On page 12, from the beginning of line 34, strike all material through "line" on line 35

On page 13, line 23, after "line;" insert "and"

On page 13, line 24, after "2023," strike "through June 30, 2024,"

On page 13, line 26, after "line" strike "; and"

On page 13, from the beginning of line 27, strike all material through "line" on line 28

On page 13, line 29, after "(3)" strike all material through "thereafter" on line 35 and insert "A statewide 988 behavioral health crisis response line tax is imposed on all switched access lines in the state. The amount of tax must be uniform for each line and must be levied on no more than the number of switched access lines on an account that is capable of simultaneous unrestricted outward calling to the public switched telephone network. The tax imposed under this subsection (3) must be remitted to the department by local exchange companies on a tax return provided by the department. The amount of tax for each switched access lines whose place of primary use is located in the state is as follows:

(a) Beginning October 1, 2021, through December 31, 2022, the tax rate is 30 cents for each switched access line; and

(b) Beginning January 1, 2023, the tax rate is 50 cents for each switched access line"

Representatives Vick and Orwall spoke in favor of the adoption of the amendment.

Amendment (444) was adopted.

Representative Orcutt moved the adoption of amendment (449):

Beginning on page 12, line 8, strike all material through "department." on page 16, line 8, and insert the following:

"FUNDING

NEW SECTION. Sec. 201. FUNDING. (1) Beginning October 1, 2021, the department must calculate quarterly the amount of taxes that would be collected if the following taxes were imposed on:

(a) The use of all radio access lines by subscribers whose place of primary use is located within the state in the amount per month for each radio access line, and by consumers whose retail transactions occur within the state per retail transaction;

(b) All interconnected voice over internet protocol service lines whose place of primary use is in the state; and

(c) All switched access lines in the state.

(2) The department must use the following tax rates in calculating the amount of taxes that would have been collected if the taxes in subsection (1) of this section were imposed:

(a) Beginning October 1, 2021, through December 31, 2022, the tax rate is 30 cents for each radio access line, each interconnected voice over internet protocol service line, and each switched access line; and

(b) Beginning January 1, 2023, the tax rate is 50 cents for each radio access line, each interconnected voice over internet protocol service line, and each switched access line.

(3) At the beginning of each quarter, the state treasurer must transfer the amount calculated by the department pursuant to this section to the statewide 988 behavioral health crisis response line account created in section 202 of this act."

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

On page 16, beginning on line 11, after "treasury." strike all material through "account." on line 13

On page 33, line 14, after "201" strike "through 205" and insert "and 202"

On page 33, line 16, after "201" strike "through 205" and insert "and 202"

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

Representative Frame spoke against the adoption of the amendment.

MOTIONS

On motion of Representative Riccelli, Representative Kloba was excused.

On motion of Representative Griffey, Representative McCaslin was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (449) and the amendment was not adopted by the following vote: Yeas: 44; Nays: 52; Absent: 0; Excused: 2

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

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

Excused: Representatives Kloba and McCaslin

The bill was ordered engrossed.

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

Representatives Orwall, Schmick, Dent, Klippert, Lovick, Eslick and Davis spoke in favor of the passage of the bill.

Representatives Orcutt and Sutherland spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1477.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1477, and the bill passed the House by the following vote: Yeas, 78; Nays, 18; Absent, 0; Excused, 2.

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

Voting nay: Representatives Abbarno, Chandler, Chase, Corry, Dufault, Jacobsen, Kraft, Kretz, MacEwen, McEntire, Orcutt, Robertson, Rude, Springer, Stokesbary, Sutherland, Walsh and Young.

Excused: Representatives Kloba and McCaslin.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., March 18, 2021, the 67th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTY SEVENTH DAY

House Chamber, Olympia, Thursday, March 18, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1556 by Representatives Chase and Klippert

AN ACT Relating to equitable competition between students who participate in school athletic activities; amending RCW 28A.600.200 and 28A.640.020; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

March 16, 2021

HB 1546 Prime Sponsor, Representative Eslick: Concerning allowable uses for the multiuse roadway safety account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

March 16, 2021

SB 5016 Prime Sponsor, Senator Warnick: Concerning tracked and wheeled all-terrain

vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

March 17, 2021

SSB 5025 Prime Sponsor, Committee on Law & Justice: Concerning the consumer protection improvement act. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

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

(1) Strong consumer protection and antitrust penalties are critical to protecting consumers and ensuring a fair marketplace;

(2) Strong penalties ensure accountability, deter violations, and ensure a level playing field for businesses;

(3) Washington currently does not provide strong penalties for violations of the state's consumer protection act, which prohibits unfair or deceptive acts or practices and unfair methods of competition;

(4) Washington's penalty for unfair or deceptive acts or practices has not kept pace with inflation, and has not increased since 1970;

(5) Washington's penalty for unfair methods of competition has also not kept

pace with inflation, and has not increased since 1983;

(6) Consequently, Washington has one of the lowest consumer protection penalties in the United States;

(7) Twenty-four state legislatures representing more than 200 million Americans have passed enhanced penalties for violations that target or impact certain vulnerable populations, but Washington does not have an enhanced penalty;

(8) Many Washingtonians are hurting financially due to the impacts of the global pandemic;

(9) Washington's weak penalties place Washington consumers at greater risk; and

(10) Washingtonians deserve strong consumer protections to ensure entities that illegally, unfairly, and deceptively go after their hard-earned dollars are held accountable.

Sec. 2. RCW 19.86.140 and 1983 c 288 s 2 are each amended to read as follows:

Every person who shall violate the terms of any injunction issued as in this chapter provided, shall forfeit and pay a civil penalty of not more than ~~((twenty five thousand dollars))~~ \$125,000.

Every ~~((person, other than a corporation,))~~ individual who violates RCW 19.86.030 or 19.86.040 shall pay a civil penalty of not more than ~~((one hundred thousand dollars))~~ \$180,000. Every ~~((corporation which))~~ person, other than an individual, who violates RCW 19.86.030 or 19.86.040 shall pay a civil penalty of not more than ~~((five hundred thousand dollars))~~ \$900,000.

Every person who violates RCW 19.86.020 shall forfeit and pay a civil penalty of not more than ~~((two thousand dollars))~~ \$7,500 for each violation: PROVIDED, That nothing in this paragraph shall apply to any radio or television broadcasting station which broadcasts, or to any publisher, printer or distributor of any newspaper, magazine, billboard or other advertising medium who publishes, prints or distributes, advertising in good faith without knowledge of its false, deceptive or misleading character.

For unlawful acts or practices that target or impact specific individuals or communities based on demographic

characteristics including, but not limited to, age, race, national origin, citizenship or immigration status, sex, sexual orientation, presence of any sensory, mental, or physical disability, religion, veteran status, or status as a member of the armed forces, as that term is defined in 10 U.S.C. Sec. 101, an enhanced penalty of \$5,000 shall apply.

For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

With respect to violations of RCW 19.86.030 and 19.86.040, the attorney general, acting in the name of the state, may seek recovery of such penalties in a civil action.

By December 1, 2022, and every five years thereafter, the office of the attorney general shall evaluate the efficacy of the maximum civil penalty amounts established in this section in deterring violations of the consumer protection act and the difference, if any, between the current penalty amounts and the penalty amounts adjusted for inflation, and provide the legislature with a report of its findings and any recommendations in compliance with RCW 43.01.036.

Sec. 3. RCW 4.16.160 and 1986 c 305 s 701 are each amended to read as follows:

The limitations prescribed in this chapter shall apply to actions brought in the name or for the benefit of any county or other municipality or quasimunicipality of the state, in the same manner as to actions brought by private parties: PROVIDED, That, except as provided in RCW 4.16.310, there shall be no limitation to actions brought in the name or for the benefit of the state, and no claim of right predicated upon the lapse of time shall ever be asserted against the state, including actions asserting a claim for civil penalties under RCW 19.86.140: AND FURTHER PROVIDED, That no previously existing statute of limitations shall be interposed as a defense to any action brought in the name or for the benefit of the state, although such statute may have run and become fully operative as a defense prior to February 27, 1903, nor shall any cause of action against the state be predicated upon such a statute.

NEW SECTION. **Sec. 4.** This act may be known and cited as the consumer protection improvement act."

Correct the title.

Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representative Vick, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

March 16, 2021

SB 5031 Prime Sponsor, Senator Honeyford: Concerning a community aviation revitalization loan program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Duerr; Entenman; Goehner; Klicker; Lovick; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Capital Budget.

March 17, 2021

E2SSB 5052 Prime Sponsor, Committee on Ways & Means: Concerning the creation of health equity zones. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature finds that people of color, Indian, people experiencing poverty, and immigrant populations experience significant health disparities compared to the general population, including more limited access to health care and poorer health outcomes. The legislature finds that these circumstances result in higher rates of morbidity and mortality for persons of color and immigrant

populations than observed in the general population.

(2) Therefore, the legislature intends to create health equity zones to address significant health disparities identified by health outcome data. The state intends to work with community leaders within the health equity zones to share information and coordinate efforts with the goal of addressing the most urgent needs. Health equity zone partners shall develop, expand, and maintain positive relationships with communities of color, Indian communities, communities experiencing poverty, and immigrant communities within the zone to develop effective and sustainable programs to address health inequity.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, in coordination with the governor's interagency council on health disparities, local health jurisdictions, and accountable communities of health, must share and review population health data, which may be related to chronic and infectious diseases, maternal birth complications, preterm births and other newborn health complications, and any other relevant health data, including hospital community health needs assessments, to identify, or allow communities to self-identify, potential health equity zones in the state and develop projects to meet the unique needs of each zone. The department must provide technical support to communities in the use of data to facilitate self-identification of health equity zones.

(2) Communities' uses of data must align with projects and outcomes to be measured in self-identified zones.

(3) The department must use the first 12 months following the effective date of this section to develop a plan and process to allow communities to implement health equity zone programs statewide. The department has authority to determine the number of health equity zones and projects based on available resources.

(4) Communities that self-identify zones or the department must notify relevant community organizations in the zones of the health equity zone designation and allow those organizations to identify projects to

address the zone's most urgent needs related to health disparities. Community organizations may include, but are not limited to:

- (a) Community health clinics;
- (b) Local health providers;
- (c) Federally qualified health centers;
- (d) Health systems;
- (e) Local government;
- (f) Public school districts;
- (g) Recognized American Indian organizations and Indian health organizations;
- (h) Local health jurisdictions; and
- (i) Any other nonprofit organization working to address health disparities in the zone.

(5) Local organizations working within zones may form coalitions to identify the needs of the zone, design projects to address those needs, and develop an action plan to implement the projects. Local organizations may partner with state or national organizations outside the specific zone designation. Projects may include, but are not limited to:

- (a) Addressing health care provider access and health service delivery;
- (b) Improving information sharing and community trust in providers and services;
- (c) Conducting outreach and education efforts; and
- (d) Recommending systems and policy changes that will improve population health.

(6) The department must provide:

- (a) Support to the coalitions in identifying and applying for resources to support projects within the zones;
- (b) Technical assistance related to project management and developing health outcome and other measures to evaluate project success; and
- (c) Subject to availability, funding to implement projects.

(7) Subject to the availability of amounts appropriated for this specific purpose, by December 1, 2023, and every two years thereafter, the department must submit a report to the legislature

detailing the projects implemented in each zone and the outcome measures, including year-over-year health data, to demonstrate project success.

(8) For the purposes of this section "health equity zone" or "zone" means a contiguous geographic area that demonstrates measurable and documented health disparities and poor health outcomes, which may include but are not limited to high rates of maternal complications, newborn health complications, and chronic and infectious disease, is populated by communities of color, Indian communities, communities experiencing poverty, or immigrant communities, and is small enough for targeted interventions to have a significant impact on health outcomes and health disparities. Documented health disparities must be documented or identified by the department or the centers for disease control and prevention."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Assistant Ranking Minority Member; Rude and Ybarra.

Referred to Committee on Appropriations.

March 17, 2021

SSB 5055

Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Establishing a statewide roster for arbitrating law enforcement personnel disciplinary grievances and publishing their decisions. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Hoff, Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 17, 2021

SSB 5140 Prime Sponsor, Committee on Health & Long Term Care: Protecting pregnancy and miscarriage-related patient care. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Health care entity" means an entity that supervises, controls, grants privileges to, directs the practice of, or directly or indirectly restricts the practice of, a health care provider.

(3) "Health care provider" has the same meaning as in RCW 70.02.010.

NEW SECTION. **Sec. 2.** (1) Except as provided in subsection (2) of this section, if a health care provider is acting in good faith, within the provider's scope of practice, education, training, and experience and within the accepted standard of care, a health care entity may not prohibit the health care provider from providing health care services related to complications of pregnancy, including but not limited to health services related to miscarriage management and treatment for ectopic pregnancies, in cases in which failure to provide the service would violate the accepted standard of care or when the patient presents a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of medical attention could reasonably be expected to pose a risk:

(a) To the patient's life; or

(b) Of irreversible complications or impairment to the patient's bodily functions or any bodily organ or part.

(2) Nothing in this section prohibits a health care entity from limiting a health care provider's practice for purposes of:

(a) Complying with the network or utilization review requirements of any program or entity authorized by state or federal law to provide insurance coverage for health care services to enrollees; or

(b) Quality control and patient safety, including when quality control or patient safety issues are identified pursuant to peer review.

(3) A health care entity may not discharge, demote, suspend, discipline, or otherwise discriminate against a health care provider for providing services in compliance with this section.

NEW SECTION. **Sec. 3.** A patient, a health care provider, or an individual, who is aggrieved by a violation of section 2 of this act, may bring a civil action against a health care entity to enjoin further violations, to recover damages, or both. The prevailing party in such action may in the discretion of the court recover costs of litigation and reasonable attorneys' fees.

NEW SECTION. **Sec. 4.** Beginning March 1, 2022, a health care entity shall provide the information prepared by the department under section 5 of this act at the time of hiring, contracting with, or privileging health care providers and staff, and on a yearly basis thereafter.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

By December 31, 2021, the department shall design, prepare, and make available online, written materials to clearly inform health care providers and staff of the provisions of, and authority to act under, chapter 70.--- RCW (the new chapter created in section 7 of this act).

NEW SECTION. **Sec. 6.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 7.** Sections 1 through 4 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Maycumber; Rude and Ybarra.

Referred to Committee on Rules for second reading.

March 17, 2021

SSB 5151 Prime Sponsor, Committee on Ways & Means: Concerning foster care and child care licensing by the department of children, youth, and families. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.030 and 2020 c 312 s 114 are each amended to read as follows:

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

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" mean:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031

shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of children, youth, and families.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of the department of social and health services to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.

(9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Guardianship" means a guardianship pursuant to chapter 13.36 RCW or a limited guardianship of a minor pursuant to RCW 11.130.215 or equivalent laws of another state or a federally recognized Indian tribe.

(14) "Housing assistance" means appropriate referrals by the department or other agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing

assistance" is not a remedial service or family reunification service as described in RCW 13.34.025(2).

(15) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(16) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(17) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(18) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26A.100, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(19) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-

123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(20) "Prevention services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child. Prevention services include, but are not limited to, prevention and family services and programs as defined in this section.

(21) "Qualified residential treatment program" means a program that meets the requirements provided in RCW 13.34.420, qualifies for funding under the family first prevention services act under 42 U.S.C. Sec. 672(k), and, if located within Washington state, is licensed as a group care facility under chapter 74.15 RCW (~~that also qualifies for funding under the federal family first prevention services act under 42 U.S.C. Sec. 672(k) and meets the requirements provided in RCW 13.34.420~~).

(22) "Relative" includes persons related to a child in the following ways:

(a) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(b) Stepfather, stepmother, stepbrother, and stepsister;

(c) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(d) Spouses of any persons named in (a), (b), or (c) of this subsection, even after the marriage is terminated;

(e) Relatives, as named in (a), (b), (c), or (d) of this subsection, of any half sibling of the child; or

(f) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first

or second cousin, or stepparent who provides care in the family abode on a twenty-four hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

(23) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(24) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(25) "Social study" means a written evaluation of matters relevant to the disposition of the case that contains the information required by RCW 13.34.430.

(26) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the department or the court.

(27) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 2. RCW 43.216.010 and 2020 c 270 s 11 are each reenacted and amended to read as follows:

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

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care

subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child care provider who regularly provides early childhood education and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Outdoor nature-based child care" means an agency or an agency-offered program that:

(i) Enrolls preschool or school-age children;

(ii) Provides early learning services to the enrolled children in an outdoor natural space approved by the department for not less than four hours per day or fifty percent of the daily program hours, whichever is less; and

(iii) Teaches a nature-based curriculum to enrolled children;

(f) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a) (i), (ii), or (iii) of this

subsection, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools that are engaged primarily in early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, and accept only school age children;

(g) ~~Seasonal camps ((of three months' or less duration engaged primarily in recreational or educational activities)).~~ For purposes of this chapter, "seasonal camp" means a program that:

(i) Operates for three months or less within a period of twelve consecutive months;

(ii) Is engaged primarily in recreational or educational activities conducted on a closely supervised basis; and

(iii) Is owned by any person, organization, association, or corporation, or is operated by a federal, state, county, or municipal government;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same

facility in another location or at another facility;

(i) Any entity that provides recreational or educational programming for school age children only and the entity meets all of the following requirements:

(i) The entity utilizes a drop-in model for programming, where children are able to attend during any or all program hours without a formal reservation;

(ii) The entity does not assume responsibility in lieu of the parent, unless for coordinated transportation;

(iii) The entity is a local affiliate of a national nonprofit; and

(iv) The entity is in compliance with all safety and quality standards set by the associated national agency;

(j) A program operated by any unit of local, state, or federal government;

(k) A program located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(l) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(m) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Certificate of parental improvement" means a certificate issued under RCW 74.13.720 to an individual who has a founded finding of physical abuse or negligent treatment or maltreatment, or a court finding that the individual's child was dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b).

(5) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(6) "Department" means the department of children, youth, and families.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Early childhood education and assistance program contractor" means an organization that provides early childhood education and assistance program services under a signed contract with the department.

(9) "Early childhood education and assistance program provider" means an organization that provides site level, direct, and high quality early childhood education and assistance program services under the direction of an early childhood education and assistance program contractor.

(10) "Early start" means an integrated high quality continuum of early learning programs for children birth-to-five years of age. Components of early start include, but are not limited to, the following:

(a) Home visiting and parent education and support programs;

(b) The early achievers program described in RCW 43.216.085;

(c) Integrated full-day and part-day high quality early learning programs; and

(d) High quality preschool for children whose family income is at or below one hundred ten percent of the federal poverty level.

(11) "Education data center" means the education data center established in RCW 43.41.400, commonly referred to as the education research and data center.

(12) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

(13) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.216.325(1) or assessment of civil monetary penalties pursuant to RCW 43.216.325(3).

(14) "Extended day program" means an early childhood education and assistance program that offers early learning education for at least ten hours per day, a minimum of two thousand hours per year, at least four days per week, and operates year-round.

(15) "Full day program" means an early childhood education and assistance program that offers early learning education for a minimum of one thousand hours per year.

(16) "Inspection report" means a written or digital record or report created by the department that identifies or describes licensing violations or conditions within an agency. An inspection report does not include a child care facility licensing compliance agreement as defined in RCW 43.216.395.

(17) "Low-income child care provider" means a person who administers a child care program that consists of at least eighty percent of children receiving working connections child care subsidy.

~~((17))~~ (18) "Low-income neighborhood" means a district or community where more than twenty percent of households are below the federal poverty level.

~~((18))~~ (19) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

~~((19))~~ (20) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

~~((20))~~ (21) "Nonschool age child" means a child who is age six years or younger and who is not enrolled in a public or private school.

~~((21))~~ (22) "Part day program" means an early childhood education and assistance program that offers early learning education for at least two and one-half hours per class session, at least three hundred twenty hours per year, for a minimum of thirty weeks per year.

~~((22))~~ (23) "Private school" means a private school approved by the state under chapter 28A.195 RCW.

~~((23))~~ (24) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((24))~~ (25) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

~~((25))~~ (26) "School age child" means a child who is five years of age through twelve years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

~~((26))~~ (27) "Secretary" means the secretary of the department.

~~((27))~~ (28) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program.

Sec. 3. RCW 43.216.015 and 2020 c 262 s 1 and 2020 c 90 s 9 are each reenacted and amended to read as follows:

(1)(a) The department of children, youth, and families is created as an executive branch agency. The department is vested with all powers and duties transferred to it under chapter 6, Laws of 2017 3rd sp. sess. and such other powers and duties as may be authorized by law. The vision for the department is that Washington state's children and youth grow up safe and healthy—thriving physically, emotionally, and academically, nurtured by family and community.

(b) The department, in partnership with state and local agencies, tribes, and communities, shall protect children and youth from harm and promote healthy

development with effective, high quality prevention, intervention, and early education services delivered in an equitable manner. An important role for the department shall be to provide preventative services to help secure and preserve families in crisis. The department shall partner with the federally recognized Indian tribes to develop effective services for youth and families while respecting the sovereignty of those tribes and the government-to-government relationship. Nothing in chapter 6, Laws of 2017 3rd sp. sess. alters the duties, requirements, and policies of the federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963, as amended, or the Indian child welfare act, chapter 13.38 RCW.

(2) Beginning July 1, 2018, the department must develop definitions for, work plans to address, and metrics to measure the outcomes for children, youth, and families served by the department and must work with state agencies to ensure services for children, youth, and families are science-based, outcome-driven, data-informed, and collaborative.

(3)(a) Beginning July 1, 2018, the department must establish short and long-term population level outcome measure goals, including metrics regarding reducing disparities by family income, race, and ethnicity in each outcome.

(b) In addition to transparent, frequent reporting of the outcome measures in (c)(i) through (viii) of this subsection, the department must report to the legislature an examination of engagement, resource utilization, and outcomes for clients receiving department services and youth participating in juvenile court alternative programs funded by the department, no less than annually and beginning September 1, 2020. The data in this report must be disaggregated by race, ethnicity, and geography. This report must identify areas of focus to advance equity that will inform department strategies so that all children, youth, and families are thriving. Metrics detailing progress towards eliminating disparities and disproportionality over time must also be included. The report must also include information on department outcome measures, actions taken, progress toward

these goals, and plans for the future year.

(c) The outcome measures must include, but are not limited to:

(i) Improving child development and school readiness through voluntary, high quality early learning opportunities as measured by: (A) Increasing the number and proportion of children kindergarten-ready as measured by the Washington kindergarten inventory of developing skills (WAKids) assessment including mathematics; (B) increasing the proportion of children in early learning programs that have achieved the level 3 or higher early achievers quality standard; and (C) increasing the available supply of licensed child care in ~~((both))~~ child care centers, outdoor nature-based child care, and family homes, including providers not receiving state subsidy;

(ii) Preventing child abuse and neglect;

(iii) Improving child and youth safety, permanency, and well-being as measured by: (A) Reducing the number of children entering out-of-home care; (B) reducing a child's length of stay in out-of-home care; (C) reducing maltreatment of youth while in out-of-home care; (D) licensing more foster homes than there are children in foster care; (E) reducing the number of children that reenter out-of-home care within twelve months; (F) increasing the stability of placements for children in out-of-home care; and (G) developing strategies to demonstrate to foster families that their service and involvement is highly valued by the department, as demonstrated by the development of strategies to consult with foster families regarding future placement of a foster child currently placed with a foster family;

(iv) Improving reconciliation of children and youth with their families as measured by: (A) Increasing family reunification; and (B) increasing the number of youth who are reunified with their family of origin;

(v) In collaboration with county juvenile justice programs, improving adolescent outcomes including reducing multisystem involvement and homelessness; and increasing school graduation rates and successful transitions to adulthood for youth involved in the child welfare and juvenile justice systems;

(vi) Reducing future demand for mental health and substance use disorder treatment for youth involved in the child welfare and juvenile justice systems;

(vii) In collaboration with county juvenile justice programs, reducing criminal justice involvement and recidivism as measured by: (A) An increase in the number of youth who successfully complete the terms of diversion or alternative sentencing options; (B) a decrease in the number of youth who commit subsequent crimes; and (C) eliminating the discharge of youth from institutional settings into homelessness; and

(viii) Eliminating racial and ethnic disproportionality and disparities in system involvement and across child and youth outcomes in collaboration with other state agencies.

(4) Beginning July 1, 2018, the department must:

(a) Lead ongoing collaborative work to minimize or eliminate systemic barriers to effective, integrated services in collaboration with state agencies serving children, youth, and families;

(b) Identify necessary improvements and updates to statutes relevant to their responsibilities and proposing legislative changes to the governor no less than biennially;

(c) Help create a data-focused environment in which there are aligned outcomes and shared accountability for achieving those outcomes, with shared, real-time data that is accessible to authorized persons interacting with the family, child, or youth to identify what is needed and which services would be effective;

(d) Lead the provision of state services to adolescents, focusing on key transition points for youth, including exiting foster care and institutions, and coordinating with the office of homeless youth prevention and protection programs to address the unique needs of homeless youth; and

(e) Create and annually update a list of the rights and responsibilities of foster parents in partnership with foster parent representatives. The list of foster parent rights and responsibilities must be posted on the department's web site, provided to individuals participating in a foster

parent orientation before licensure, provided to foster parents in writing at the time of licensure, and provided to foster parents applying for license renewal.

(5) The department is accountable to the public. To ensure transparency, beginning December 30, 2018, agency performance data for the services provided by the department, including outcome data for contracted services, must be available to the public, consistent with confidentiality laws, federal protections, and individual rights to privacy. Publicly available data must include budget and funding decisions, performance-based contracting data, including data for contracted services, and performance data on metrics identified in this section. The board must work with the secretary and director to develop the most effective and cost-efficient ways to make department data available to the public, including making this data readily available on the department's web site.

(6) Except as provided in section 8, chapter 90, Laws of 2020, the department shall ensure that all new and renewed contracts for services are performance-based.

(7) The department must execute all new and renewed contracts for services in accordance with this section and consistent with RCW 74.13B.020. When contracted services are managed through a network administrator or other third party, the department must execute data-sharing agreements with the entities managing the contracts to track provider performance measures. Contracts with network administrators or other third parties must provide the contract administrator the ability to shift resources from one provider to another, to evaluate individual provider performance, to add or delete services in consultation with the department, and to reinvest savings from increased efficiencies into new or improved services in their catchment area. Whenever possible, contractor performance data must be made available to the public, consistent with confidentiality laws and individual rights to privacy.

(8) (a) The board shall begin its work and call the first meeting of the board on or after July 1, 2018. The board shall immediately assume the duties of the legislative children's oversight

committee, as provided for in RCW 74.13.570 and assume the full functions of the board as provided for in this section by July 1, 2019. The office of innovation, alignment, and accountability shall provide quarterly updates regarding the implementation of the department to the board between July 1, 2018, and July 1, 2019.

(b) The office of the family and children's ombuds shall establish the board. The board is authorized for the purpose of monitoring and ensuring that the department achieves the stated outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with administrative acts, relevant statutes, rules, and policies pertaining to early learning, juvenile rehabilitation, juvenile justice, and children and family services.

(9) (a) The board shall consist of the following members:

(i) Two senators and two representatives from the legislature with one member from each major caucus;

(ii) One nonvoting representative from the governor's office;

(iii) One subject matter expert in early learning;

(iv) One subject matter expert in child welfare;

(v) One subject matter expert in juvenile rehabilitation and justice;

(vi) One subject matter expert in eliminating disparities in child outcomes by family income and race and ethnicity;

(vii) One tribal representative from west of the crest of the Cascade mountains;

(viii) One tribal representative from east of the crest of the Cascade mountains;

(ix) One current or former foster parent representative;

(x) One representative of an organization that advocates for the best interest of the child;

(xi) One parent stakeholder group representative;

(xii) One law enforcement representative;

(xiii) One child welfare caseworker representative;

(xiv) One early childhood learning program implementation practitioner;

(xv) One current or former foster youth under age twenty-five;

(xvi) One individual under age twenty-five with current or previous experience with the juvenile justice system;

(xvii) One physician with experience working with children or youth; and

(xviii) One judicial representative presiding over child welfare court proceedings or other children's matters.

(b) The senate members of the board shall be appointed by the leaders of the two major caucuses of the senate. The house of representatives members of the board shall be appointed by the leaders of the two major caucuses of the house of representatives. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(c) The remaining board members shall be nominated by the governor, subject to the approval of the appointed legislators by majority vote, and serve four-year terms. When nominating and approving members after July 28, 2019, the governor and appointed legislators must ensure that at least five of the board members reside east of the crest of the Cascade mountains.

(10) The board has the following powers, which may be exercised by majority vote of the board:

(a) To receive reports of the office of the family and children's ombuds;

(b) To obtain access to all relevant records in the possession of the office of the family and children's ombuds, except as prohibited by law;

(c) To select its officers and adoption of rules for orderly procedure;

(d) To request investigations by the office of the family and children's ombuds of administrative acts;

(e) To request and receive information, outcome data, documents, materials, and records from the department relating to children and family welfare, juvenile rehabilitation, juvenile justice, and early learning;

(f) To determine whether the department is achieving the performance measures;

(g) If final review is requested by a licensee, to review whether department licensors appropriately and consistently applied agency rules in ~~((child care facility licensing compliance agreements as defined in RCW 43.216.395))~~ inspection reports that do not involve a violation of health and safety standards as defined in RCW 43.216.395 in cases that have already been reviewed by the internal review process described in RCW 43.216.395 with the authority to overturn, change, or uphold such decisions;

(h) To conduct annual reviews of a sample of department contracts for services from a variety of program and service areas to ensure that those contracts are performance-based and to assess the measures included in each contract; and

(i) Upon receipt of records or data from the office of the family and children's ombuds or the department, the board is subject to the same confidentiality restrictions as the office of the family and children's ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also apply to the board.

(11) The board has general oversight over the performance and policies of the department and shall provide advice and input to the department and the governor.

(12) The board must no less than twice per year convene stakeholder meetings to allow feedback to the board regarding contracting with the department, departmental use of local, state, private, and federal funds, and other matters as relating to carrying out the duties of the department.

(13) The board shall review existing surveys of providers, customers, parent groups, and external services to assess whether the department is effectively delivering services, and shall conduct additional surveys as needed to assess whether the department is effectively delivering services.

(14) The board is subject to the open public meetings act, chapter 42.30 RCW, except to the extent disclosure of records or information is otherwise confidential under state or federal law.

(15) Records or information received by the board is confidential to the extent permitted by state or federal law. This subsection does not create an exception for records covered by RCW 13.50.100.

(16) The board members shall receive no compensation for their service on the board, but shall be reimbursed for travel expenses incurred while conducting business of the board when authorized by the board and within resources allocated for this purpose, except appointed legislators who shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(17) The board shall select, by majority vote, an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The executive director is exempt from the provisions of the state civil service law, chapter 41.06 RCW, and shall serve at the pleasure of the board established in this section.

(18) The board shall maintain a staff not to exceed one full-time equivalent employee. The board-selected executive director of the board is responsible for coordinating staff appointments.

(19) The board shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2019. The report must review the department's progress towards meeting stated performance measures and desired performance outcomes, and must also include a review of the department's strategic plan, policies, and rules.

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

(a) "Board" means the oversight board for children, youth, and families established in subsection (8) of this section.

(b) "Director" means the director of the office of innovation, alignment, and accountability.

(c) "Performance-based contract" means results-oriented contracting that focuses on the quality or outcomes that tie at least a portion of the contractor's payment, contract extensions, or contract renewals to the

achievement of specific measurable performance standards and requirements.

Sec. 4. RCW 43.216.015 and 2020 c 262 s 1 are each amended to read as follows:

(1)(a) The department of children, youth, and families is created as an executive branch agency. The department is vested with all powers and duties transferred to it under chapter 6, Laws of 2017 3rd sp. sess. and such other powers and duties as may be authorized by law. The vision for the department is that Washington state's children and youth grow up safe and healthy—thriving physically, emotionally, and academically, nurtured by family and community.

(b) The department, in partnership with state and local agencies, tribes, and communities, shall protect children and youth from harm and promote healthy development with effective, high quality prevention, intervention, and early education services delivered in an equitable manner. An important role for the department shall be to provide preventative services to help secure and preserve families in crisis. The department shall partner with the federally recognized Indian tribes to develop effective services for youth and families while respecting the sovereignty of those tribes and the government-to-government relationship. Nothing in chapter 6, Laws of 2017 3rd sp. sess. alters the duties, requirements, and policies of the federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963, as amended, or the Indian child welfare act, chapter 13.38 RCW.

(2) Beginning July 1, 2018, the department must develop definitions for, work plans to address, and metrics to measure the outcomes for children, youth, and families served by the department and must work with state agencies to ensure services for children, youth, and families are science-based, outcome-driven, data-informed, and collaborative.

(3)(a) Beginning July 1, 2018, the department must establish short and long-term population level outcome measure goals, including metrics regarding reducing disparities by family income, race, and ethnicity in each outcome.

(b) In addition to transparent, frequent reporting of the outcome

measures in (c)(i) through (viii) of this subsection, the department must report to the legislature an examination of engagement, resource utilization, and outcomes for clients receiving department services and youth participating in juvenile court alternative programs funded by the department, no less than annually and beginning September 1, 2020. The data in this report must be disaggregated by race, ethnicity, and geography. This report must identify areas of focus to advance equity that will inform department strategies so that all children, youth, and families are thriving. Metrics detailing progress towards eliminating disparities and disproportionality over time must also be included. The report must also include information on department outcome measures, actions taken, progress toward these goals, and plans for the future year.

(c) The outcome measures must include, but are not limited to:

(i) Improving child development and school readiness through voluntary, high quality early learning opportunities as measured by: (A) Increasing the number and proportion of children kindergarten-ready as measured by the Washington kindergarten inventory of developing skills (WAKids) assessment including mathematics; (B) increasing the proportion of children in early learning programs that have achieved the level 3 or higher early achievers quality standard; and (C) increasing the available supply of licensed child care in ~~((both))~~ child care centers, outdoor nature-based child care, and family homes, including providers not receiving state subsidy;

(ii) Preventing child abuse and neglect;

(iii) Improving child and youth safety, permanency, and well-being as measured by: (A) Reducing the number of children entering out-of-home care; (B) reducing a child's length of stay in out-of-home care; (C) reducing maltreatment of youth while in out-of-home care; (D) licensing more foster homes than there are children in foster care; (E) reducing the number of children that reenter out-of-home care within twelve months; (F) increasing the stability of placements for children in out-of-home care; and (G) developing strategies to demonstrate to foster families that their service and

involvement is highly valued by the department, as demonstrated by the development of strategies to consult with foster families regarding future placement of a foster child currently placed with a foster family;

(iv) Improving reconciliation of children and youth with their families as measured by: (A) Increasing family reunification; and (B) increasing the number of youth who are reunified with their family of origin;

(v) In collaboration with county juvenile justice programs, improving adolescent outcomes including reducing multisystem involvement and homelessness; and increasing school graduation rates and successful transitions to adulthood for youth involved in the child welfare and juvenile justice systems;

(vi) Reducing future demand for mental health and substance use disorder treatment for youth involved in the child welfare and juvenile justice systems;

(vii) In collaboration with county juvenile justice programs, reducing criminal justice involvement and recidivism as measured by: (A) An increase in the number of youth who successfully complete the terms of diversion or alternative sentencing options; (B) a decrease in the number of youth who commit subsequent crimes; and (C) eliminating the discharge of youth from institutional settings into homelessness; and

(viii) Eliminating racial and ethnic disproportionality and disparities in system involvement and across child and youth outcomes in collaboration with other state agencies.

(4) Beginning July 1, 2018, the department must:

(a) Lead ongoing collaborative work to minimize or eliminate systemic barriers to effective, integrated services in collaboration with state agencies serving children, youth, and families;

(b) Identify necessary improvements and updates to statutes relevant to their responsibilities and proposing legislative changes to the governor no less than biennially;

(c) Help create a data-focused environment in which there are aligned outcomes and shared accountability for achieving those outcomes, with shared,

real-time data that is accessible to authorized persons interacting with the family, child, or youth to identify what is needed and which services would be effective;

(d) Lead the provision of state services to adolescents, focusing on key transition points for youth, including exiting foster care and institutions, and coordinating with the office of homeless youth prevention and protection programs to address the unique needs of homeless youth; and

(e) Create and annually update a list of the rights and responsibilities of foster parents in partnership with foster parent representatives. The list of foster parent rights and responsibilities must be posted on the department's web site, provided to individuals participating in a foster parent orientation before licensure, provided to foster parents in writing at the time of licensure, and provided to foster parents applying for license renewal.

(5) The department is accountable to the public. To ensure transparency, beginning December 30, 2018, agency performance data for the services provided by the department, including outcome data for contracted services, must be available to the public, consistent with confidentiality laws, federal protections, and individual rights to privacy. Publicly available data must include budget and funding decisions, performance-based contracting data, including data for contracted services, and performance data on metrics identified in this section. The board must work with the secretary and director to develop the most effective and cost-efficient ways to make department data available to the public, including making this data readily available on the department's web site.

(6) The department shall ensure that all new and renewed contracts for services are performance-based.

(7) The department must execute all new and renewed contracts for services in accordance with this section and consistent with RCW 74.13B.020. When contracted services are managed through a network administrator or other third party, the department must execute data-sharing agreements with the entities managing the contracts to track provider performance measures. Contracts with

network administrators or other third parties must provide the contract administrator the ability to shift resources from one provider to another, to evaluate individual provider performance, to add or delete services in consultation with the department, and to reinvest savings from increased efficiencies into new or improved services in their catchment area. Whenever possible, contractor performance data must be made available to the public, consistent with confidentiality laws and individual rights to privacy.

(8) (a) The board shall begin its work and call the first meeting of the board on or after July 1, 2018. The board shall immediately assume the duties of the legislative children's oversight committee, as provided for in RCW 74.13.570 and assume the full functions of the board as provided for in this section by July 1, 2019. The office of innovation, alignment, and accountability shall provide quarterly updates regarding the implementation of the department to the board between July 1, 2018, and July 1, 2019.

(b) The office of the family and children's ombuds shall establish the board. The board is authorized for the purpose of monitoring and ensuring that the department achieves the stated outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with administrative acts, relevant statutes, rules, and policies pertaining to early learning, juvenile rehabilitation, juvenile justice, and children and family services.

(9) (a) The board shall consist of the following members:

(i) Two senators and two representatives from the legislature with one member from each major caucus;

(ii) One nonvoting representative from the governor's office;

(iii) One subject matter expert in early learning;

(iv) One subject matter expert in child welfare;

(v) One subject matter expert in juvenile rehabilitation and justice;

(vi) One subject matter expert in eliminating disparities in child outcomes by family income and race and ethnicity;

(vii) One tribal representative from west of the crest of the Cascade mountains;

(viii) One tribal representative from east of the crest of the Cascade mountains;

(ix) One current or former foster parent representative;

(x) One representative of an organization that advocates for the best interest of the child;

(xi) One parent stakeholder group representative;

(xii) One law enforcement representative;

(xiii) One child welfare caseworker representative;

(xiv) One early childhood learning program implementation practitioner;

(xv) One current or former foster youth under age twenty-five;

(xvi) One individual under age twenty-five with current or previous experience with the juvenile justice system;

(xvii) One physician with experience working with children or youth; and

(xviii) One judicial representative presiding over child welfare court proceedings or other children's matters.

(b) The senate members of the board shall be appointed by the leaders of the two major caucuses of the senate. The house of representatives members of the board shall be appointed by the leaders of the two major caucuses of the house of representatives. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(c) The remaining board members shall be nominated by the governor, subject to the approval of the appointed legislators by majority vote, and serve four-year terms. When nominating and approving members after July 28, 2019, the governor and appointed legislators must ensure that at least five of the board members reside east of the crest of the Cascade mountains.

(10) The board has the following powers, which may be exercised by majority vote of the board:

(a) To receive reports of the office of the family and children's ombuds;

(b) To obtain access to all relevant records in the possession of the office of the family and children's ombuds, except as prohibited by law;

(c) To select its officers and adoption of rules for orderly procedure;

(d) To request investigations by the office of the family and children's ombuds of administrative acts;

(e) To request and receive information, outcome data, documents, materials, and records from the department relating to children and family welfare, juvenile rehabilitation, juvenile justice, and early learning;

(f) To determine whether the department is achieving the performance measures;

(g) If final review is requested by a licensee, to review whether department licensors appropriately and consistently applied agency rules in (~~child care facility licensing compliance agreements as defined in RCW 43.216.395~~) inspection reports that do not involve a violation of health and safety standards as defined in RCW 43.216.395 in cases that have already been reviewed by the internal review process described in RCW 43.216.395 with the authority to overturn, change, or uphold such decisions;

(h) To conduct annual reviews of a sample of department contracts for services from a variety of program and service areas to ensure that those contracts are performance-based and to assess the measures included in each contract; and

(i) Upon receipt of records or data from the office of the family and children's ombuds or the department, the board is subject to the same confidentiality restrictions as the office of the family and children's ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also apply to the board.

(11) The board has general oversight over the performance and policies of the department and shall provide advice and input to the department and the governor.

(12) The board must no less than twice per year convene stakeholder meetings to allow feedback to the board regarding contracting with the department, departmental use of local, state, private, and federal funds, and other

matters as relating to carrying out the duties of the department.

(13) The board shall review existing surveys of providers, customers, parent groups, and external services to assess whether the department is effectively delivering services, and shall conduct additional surveys as needed to assess whether the department is effectively delivering services.

(14) The board is subject to the open public meetings act, chapter 42.30 RCW, except to the extent disclosure of records or information is otherwise confidential under state or federal law.

(15) Records or information received by the board is confidential to the extent permitted by state or federal law. This subsection does not create an exception for records covered by RCW 13.50.100.

(16) The board members shall receive no compensation for their service on the board, but shall be reimbursed for travel expenses incurred while conducting business of the board when authorized by the board and within resources allocated for this purpose, except appointed legislators who shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(17) The board shall select, by majority vote, an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The executive director is exempt from the provisions of the state civil service law, chapter 41.06 RCW, and shall serve at the pleasure of the board established in this section.

(18) The board shall maintain a staff not to exceed one full-time equivalent employee. The board-selected executive director of the board is responsible for coordinating staff appointments.

(19) The board shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2019. The report must review the department's progress towards meeting stated performance measures and desired performance outcomes, and must also include a review of the department's strategic plan, policies, and rules.

(20) The definitions in this subsection apply throughout this section

unless the context clearly requires otherwise.

(a) "Board" means the oversight board for children, youth, and families established in subsection (8) of this section.

(b) "Director" means the director of the office of innovation, alignment, and accountability.

(c) "Performance-based contract" means results-oriented contracting that focuses on the quality or outcomes that tie at least a portion of the contractor's payment, contract extensions, or contract renewals to the achievement of specific measurable performance standards and requirements.

Sec. 5. RCW 43.216.020 and 2020 c 262 s 5 and 2020 c 90 s 4 are each reenacted and amended to read as follows:

(1) The department shall implement state early learning policy and coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private-public partnership;

(d) To administer child care and early learning programs;

(e) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide such care;

(f) To apply data already collected comparing the following factors and make recommendations to the legislature in a time frame which corresponds to the child care and development fund federal

reporting requirements, regarding working connections subsidy and state-funded preschool rates and compensation models that would attract and retain high quality early learning professionals:

(i) State-funded early learning subsidy rates and market rates of licensed early learning homes (~~and~~), centers, and outdoor nature-based child care;

(ii) Compensation of early learning educators in licensed centers (~~and~~), homes, and outdoor nature-based child care, and early learning teachers at state higher education institutions;

(iii) State-funded preschool program compensation rates and Washington state head start program compensation rates; and

(iv) State-funded preschool program compensation to compensation in similar comprehensive programs in other states;

(g) To administer the early support for infants and toddlers program in RCW 43.216.580, serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA), and develop and adopt rules that establish minimum requirements for the services offered through Part C programs, including allowable allocations and expenditures for transition into Part B of the federal individuals with disabilities education act (IDEA);

(h) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(i) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(j) To work cooperatively and in coordination with the early learning council;

(k) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs;

(l) To develop and adopt rules for administration of the program of early learning established in RCW 43.216.555;

(m) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers; and

(n) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information and provider comments through the internet and other means.

(2) When additional funds are appropriated for the specific purpose of home visiting and parent and caregiver support, the department must reserve at least eighty percent for home visiting services to be deposited into the home visiting services account and up to twenty percent of the new funds for other parent or caregiver support.

(3) Home visiting services must include programs that serve families involved in the child welfare system.

(4) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children, and that recognizes and honors cultural and linguistic diversity. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

Sec. 6. RCW 43.216.085 and 2019 c 369 s 2 are each amended to read as follows:

(1) The department, in collaboration with tribal governments and community and statewide partners, shall implement a quality rating and improvement system, called the early achievers program. The early achievers program provides a foundation of quality for the early care and education system. The early achievers program is applicable to licensed or certified child care centers (~~and homes~~), family home child care, outdoor nature-based child care, and early

learning programs such as working connections child care and early childhood education and assistance programs.

(2) The objectives of the early achievers program are to:

(a) Improve short-term and long-term educational outcomes for children as measured by assessments including, but not limited to, the Washington kindergarten inventory of developing skills in RCW 28A.655.080;

(b) Give parents clear and easily accessible information about the quality of child care and early education programs;

(c) Support improvement in early learning and child care programs throughout the state;

(d) Increase the readiness of children for school;

(e) Close the disparities in access to quality care;

(f) Provide professional development and coaching opportunities to early child care and education providers; and

(g) Establish a common set of expectations and standards that define, measure, and improve the quality of early learning and child care settings.

(3)(a) Licensed or certified child care centers (~~and homes~~), family home child care, and outdoor nature-based child care, serving nonschool-age children and receiving state subsidy payments, must participate in the early achievers program by the required deadlines established in RCW 43.216.135.

(b) Approved early childhood education and assistance program providers receiving state-funded support must participate in the early achievers program by the required deadlines established in RCW 43.216.515.

(c) Participation in the early achievers program is voluntary for:

(i) Licensed or certified child care centers (~~and homes~~), family home child care, and outdoor nature-based child care, not receiving state subsidy payments; and

(ii) Early learning programs not receiving state funds.

(d) School-age child care providers are exempt from participating in the

early achievers program. By July 1, 2017, the department and the office of the superintendent of public instruction shall jointly design a plan to incorporate school-age child care providers into the early achievers program or other appropriate quality improvement system. To test implementation of the early achievers system for school-age child care providers the department and the office of the superintendent of public instruction shall implement a pilot program.

(4)(a) There are five primary levels in the early achievers program.

(b) In addition to the primary levels, the department must establish an intermediate level that is between level 3 and level 4 and serves to assist participants in transitioning to level 4.

(c) Participants are expected to actively engage and continually advance within the program.

(5) The department has the authority to determine the rating cycle for the early achievers program. The department shall streamline and eliminate duplication between early achievers standards and state child care rules in order to reduce costs associated with the early achievers rating cycle and child care licensing.

(a) Early achievers program participants may request to be rated at any time after the completion of all level 2 activities.

(b) The department shall provide an early achievers program participant an update on the participant's progress toward completing level 2 activities after the participant has been enrolled in the early achievers program for fifteen months.

(c) The first rating is free for early achievers program participants.

(d) Each subsequent rating within the established rating cycle is free for early achievers program participants.

(6)(a) Early achievers program participants may request to be rerated outside the established rating cycle. A rerating shall reset the rating cycle timeline for participants.

(b) The department may charge a fee for optional rerating requests made by

program participants that are outside the established rating cycle.

(c) Fees charged are based on, but may not exceed, the cost to the department for activities associated with the early achievers program.

(7)(a) The department must create a single source of information for parents and caregivers to access details on a provider's early achievers program rating level, licensing history, and other indicators of quality and safety that will help parents and caregivers make informed choices. The licensing history that the department must provide for parents and caregivers pursuant to this subsection shall only include license suspension, surrender, revocation, denial, stayed suspension, or reinstatement. No unfounded child abuse or neglect reports may be provided to parents and caregivers pursuant to this subsection.

(b) The department shall publish to the department's web site, or offer a link on its web site to, the following information:

(i) Early achievers program rating levels 1 through 5 for all child care programs that receive state subsidy, early childhood education and assistance programs, and federal head start programs in Washington; and

(ii) New early achievers program ratings within thirty days after a program becomes licensed or certified, or receives a rating.

(c) The early achievers program rating levels shall be published in a manner that is easily accessible to parents and caregivers and takes into account the linguistic needs of parents and caregivers.

(d) The department must publish early achievers program rating levels for child care programs that do not receive state subsidy but have voluntarily joined the early achievers program.

(e) Early achievers program participants who have published rating levels on the department's web site or on a link on the department's web site may include a brief description of their program, contingent upon the review and approval by the department, as determined by established marketing standards.

(8)(a) The department shall create a professional development pathway for

early achievers program participants to obtain a high school diploma or equivalency or higher education credential in early childhood education, early childhood studies, child development, or an academic field related to early care and education.

(b) The professional development pathway must include opportunities for scholarships and grants to assist early achievers program participants with the costs associated with obtaining an educational degree.

(c) The department shall address cultural and linguistic diversity when developing the professional development pathway.

(9) The early achievers quality improvement awards shall be reserved for participants offering programs to an enrollment population consisting of at least five percent of children receiving a state subsidy.

(10) In collaboration with tribal governments, community and statewide partners, and the early achievers review subcommittee created in RCW 43.216.075, the department shall develop a protocol for granting early achievers program participants an extension in meeting rating level requirement timelines outlined for the working connections child care program and the early childhood education and assistance program.

(a) The department may grant extensions only under exceptional circumstances, such as when early achievers program participants experience an unexpected life circumstance.

(b) Extensions shall not exceed six months, and early achievers program participants are only eligible for one extension in meeting rating level requirement timelines.

(c) Extensions may only be granted to early achievers program participants who have demonstrated engagement in the early achievers program.

(11)(a) The department shall accept national accreditation that meets the requirements of this subsection (11) as a qualification for the early achievers program ratings.

(b) Each national accreditation agency will be allowed to submit its most current standards of accreditation to

establish potential credit earned in the early achievers program. The department shall grant credit to accreditation bodies that can demonstrate that their standards meet or exceed the current early achievers program standards. By December 1, 2019, and subject to the availability of amounts appropriated for this specific purpose, the department must submit a detailed plan to the governor and the legislature to implement a robust cross-accreditation process with multiple pathways that allows a provider to earn equivalent early achievers credit resulting from accreditation by high quality national organizations.

(c) Licensed child care centers ~~(and)~~, child care home providers, and outdoor nature-based child care must meet national accreditation standards approved by the department for the early achievers program in order to be granted credit for the early achievers program standards. Eligibility for the early achievers program is not subject to bargaining, mediation, or interest arbitration under RCW 41.56.028, consistent with the legislative reservation of rights under RCW 41.56.028(4)(d).

(12) The department shall explore the use of alternative quality assessment tools that meet the culturally specific needs of the federally recognized tribes in the state of Washington.

(13) A child care or early learning program that is operated by a federally recognized tribe and receives state funds shall participate in the early achievers program. The tribe may choose to participate through an interlocal agreement between the tribe and the department. The interlocal agreement must reflect the government-to-government relationship between the state and the tribe, including recognition of tribal sovereignty. The interlocal agreement must provide that:

(a) Tribal child care facilities and early learning programs may volunteer, but are not required, to be licensed by the department;

(b) Tribal child care facilities and early learning programs are not required to have their early achievers program rating level published to the department's web site or through a link on the department's web site; and

(c) Tribal child care facilities and early learning programs must provide notification to parents or guardians who apply for or have been admitted into their program that early achievers program rating level information is available and provide the parents or guardians with the program's early achievers program rating level upon request.

(14) The department shall consult with the early achievers review subcommittee on all substantial policy changes to the early achievers program.

(15) Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs under RCW 41.56.028(4)(d).

Sec. 7. RCW 43.216.087 and 2019 c 369 s 5 are each amended to read as follows:

(1)(a) The department shall, in collaboration with tribal governments and community and statewide partners, implement a protocol to maximize and encourage participation in the early achievers program for culturally diverse and low-income center ~~((and))~~, family home, and outdoor nature-based child care providers. Amounts appropriated for the encouragement of culturally diverse and low-income center ~~((and))~~, family home, and outdoor nature-based child care provider participation shall be appropriated separately from the other funds appropriated for the department, are the only funds that may be used for the protocol, and may not be used for any other purposes. Funds appropriated for the protocol shall be considered an ongoing program for purposes of future departmental budget requests.

(b) The department shall prioritize the resources authorized in this section to assist providers in the early achievers program to help them reach a rating of level 3 or higher wherever access to subsidized care is at risk.

(2) The protocol should address barriers to early achievers program participation and include at a minimum the following:

(a) The creation of a substitute pool;

(b) The development of needs-based grants for providers in the early

achievers program who demonstrate a need for assistance to improve program quality. Needs-based grants may be used for environmental improvements of early learning facilities; purchasing curriculum development, instructional materials, supplies, and equipment; and focused infant-toddler improvements. Priority for the needs-based grants shall be given to culturally diverse and low-income providers;

(c) The development of materials and assessments in a timely manner, and to the extent feasible, in the provider and family home languages; and

(d) The development of flexibility in technical assistance and coaching structures to provide differentiated types and amounts of support to providers based on individual need and cultural context.

Sec. 8. RCW 43.216.089 and 2020 c 262 s 3 are each amended to read as follows:

(1) By December 15, 2020, the department, in consultation with the statewide child care resource and referral network, and the early achievers review subcommittee of the early learning advisory council, shall submit, in compliance with RCW 43.01.036, a final report to the governor and the legislature regarding providers' progress in the early achievers program. The report must include the following elements:

(a) The number, and relative percentage, of family child care, outdoor nature-based child care, and center providers who have enrolled in the early achievers program and who have:

(i) Completed the level 2 activities;

(ii) Completed rating readiness consultation and are waiting to be rated;

(iii) Achieved the required rating level to remain eligible for state-funded support under the early childhood education and assistance program or a subsidy under the working connections child care subsidy program;

(iv) Not achieved the required rating level initially but qualified for and are working through intensive targeted support in preparation for a partial rerate outside the standard rating cycle;

(v) Not achieved the required rating level initially and engaged in remedial

activities before successfully achieving the required rating level;

(vi) Not achieved the required rating level after completing remedial activities; or

(vii) Received an extension from the department based on exceptional circumstances pursuant to RCW 43.216.085;

(b) A review of the services available to providers and children from diverse racial, ethnic, and cultural backgrounds;

(c) An examination of the effectiveness of efforts to increase successful participation by providers serving children and families from diverse racial, ethnic, and cultural backgrounds and providers who serve children from low-income households;

(d) A description of the primary obstacles and challenges faced by providers who have not achieved the required rating level to remain eligible to receive:

(i) A subsidy under the working connections child care program; or

(ii) State-funded support under the early childhood education and assistance program;

(e) A summary of the types of exceptional circumstances for which the department has granted an extension pursuant to RCW 43.216.085;

(f) The average amount of time required for providers to achieve local level milestones within each level of the early achievers program;

(g) To the extent data is available, an analysis of the distribution of early achievers program-rated facilities in relation to child and provider demographics, including but not limited to race and ethnicity, home language, and geographical location;

(h) Recommendations for improving access for children from diverse racial, ethnic, and cultural backgrounds to providers rated at a level 3 or higher in the early achievers program;

(i) Recommendations for improving the early achievers program standards;

(j) An analysis of any impact from quality strengthening efforts on the

availability and quality of infant and toddler care;

(k) The number of contracted slots that use both early childhood education and assistance program funding and working connections child care program funding;

(l) An analysis of the impact of increased regulations on the cost of child care; and

(m) A description of the early childhood education and assistance program implementation to include the following:

(i) Progress on early childhood education and assistance program implementation as required pursuant to RCW 43.216.515, 43.216.525, and 43.216.555;

(ii) An examination of the regional distribution of new preschool programming by school district;

(iii) An analysis of the impact of preschool expansion on low-income neighborhoods and communities;

(iv) Recommendations to address any identified barriers to access to quality preschool for children living in low-income neighborhoods;

(v) An analysis of any impact of extended day early care and education opportunities directives;

(vi) An examination of any identified barriers for providers to offer extended day early care and education opportunities;

(vii) An analysis of the demand for full-day programming for early childhood education and assistance program providers required under RCW 43.216.515; and

(viii) To the extent data is available, an analysis of the racial, ethnic, and cultural diversity of early childhood education and assistance program providers and participants.

(2) The elements required to be reported under subsection (1)(a) of this section must be reported at the county level, and for those counties with a population of five hundred thousand and higher, the data must be reported at the zip code level.

(3) If, based on information in an annual report submitted in 2018 or later

under this section, fifteen percent or more of the licensed or contracted providers who are participating in the early achievers program in a county or in a single zip code have not achieved the rating levels under RCW 43.216.135 and 43.216.515, the department must:

(a) Analyze the reasons providers in the affected counties or zip codes have not attained the required rating levels; and

(b) Develop a plan to mitigate the effect on the children and families served by these providers. The plan must be submitted to the legislature as part of the final report described in subsection (1) of this section along with any recommendations for legislative action to address the needs of the providers and the children and families they serve.

(4) (a) Beginning December 1, 2020, the department, in collaboration with the statewide child care resource and referral network, shall make available on its public web site, in a consumer-friendly format, the following elements:

(i) The number, and relative percentage, of family child care and center child care providers who have enrolled in the early achievers program and who have:

(A) Submitted their request for on-site evaluation and are waiting to be rated; and

(B) Achieved the required rating level to remain eligible for state-funded support under the early childhood education and assistance program or a subsidy under the working connections child care subsidy program;

(ii) The distribution of early childhood education and assistance program programming by school district; and

(iii) Indicators of supply and demand at the local level, as well as identification of regions or areas in which there are insufficient numbers of child care facilities using nationally developed methodology.

(b) The elements required to be made available under (a) (i) of this subsection (4) must be made available at the county level, and for those counties with a population of five hundred thousand and higher, the data must be reported at the zip code level.

(c) To the extent data are available, the elements required to be reported under (a) (ii) and (iii) of this subsection (4) must be updated at a minimum of a quarterly basis on the department's public web site.

(d) If in any individual state fiscal year, based on information reported in (a) (ii) and (iii) of this subsection (4), fifteen percent or more of the licensed or contracted providers who are participating in the early achievers program in a county or in a single zip code have not achieved the rating levels required under RCW 43.216.135 and 43.216.515, the department must:

(i) Analyze the reasons providers in the affected counties or zip codes have not attained the required rating levels; and

(ii) Develop a plan to mitigate the effect on the children and families served by these providers. The plan must be submitted to the legislature by November 1st of the year following the state fiscal year in question, along with any recommendations for legislative action to address the needs of the providers and the children and families they serve.

(5) Beginning September 15, 2021, and each odd-numbered year thereafter, the department shall submit a report to the governor and the legislature outlining the availability and quality of services available to early learning providers and children from diverse racial, ethnic, and cultural backgrounds and from low-income neighborhoods and communities. The report must include the following elements:

(a) To the extent data is available, an analysis of the racial, ethnic, and linguistic diversity of early childhood education and assistance program providers and participants, and the providers and participants of working connections child care;

(b) A review of the services available to providers and children from diverse racial, ethnic, and cultural backgrounds;

(c) An examination of the effectiveness of efforts to increase and maintain successful participation by providers serving children and families from diverse racial, ethnic, and linguistic backgrounds and providers who

serve children from low-income households;

(d) To the extent data is available, the distribution of early achievers program-rated facilities by child and provider demographics, including but not limited to race and ethnicity, home language, and geographical location;

(e) Recommendations for improving and maintaining access for children from diverse racial, ethnic, and cultural backgrounds to providers rated at a level 3 or higher in the early achievers program;

(f) Recommendations to address any identified barriers to access to high-quality preschool for children living in low-income neighborhoods;

(g) An examination of expulsion rates of children from diverse racial, ethnic, and diverse cultural backgrounds and from low-income neighborhoods and communities; and

(h) An analysis of how early learning providers and families from diverse racial, ethnic, and cultural backgrounds and from low-income neighborhoods and communities have influenced or participated in the department's early learning plans and implementation strategies.

(6) Beginning September 15, 2022, and each even-numbered year thereafter, the department shall submit a report to the governor and the legislature on the availability of supports to providers and their effectiveness at improving quality. The report must include the following elements:

(a) An analysis of the effectiveness of recruitment efforts for new and returning high-quality early learning providers and programs;

(b) An analysis of the effectiveness of quality improvement tools and incentives on the retention and quality improvement of early learning professionals;

(c) An analysis of the supply of high-quality subsidized early learning. This analysis must include:

(i) An examination of the trend in supply of early learning providers and workers;

(ii) A description of the primary obstacles and challenges faced by providers who have not achieved the

required early achievers rating level to remain eligible to receive a subsidy under the working connections child care program or state-funded support under the early childhood education and assistance program;

(iii) The number, and relative percentage, of family child care and center providers who have enrolled in the early achievers program and who have:

(A) Not achieved the required rating level initially but qualified for and are working through intensive targeted support in preparation for a partial rerate outside the standard rating cycle;

(B) Not achieved the required rating level initially and engaged in remedial activities before successfully achieving the required rating level;

(C) Not achieved the required rating level after completing remedial activities; or

(D) Received an extension from the department based on exceptional circumstances pursuant to RCW 43.216.085; and

(iv) Recommendations for improving retention and reducing barriers to entry for early learning providers;

(d) The average amount of time required for providers to achieve local level milestones within each level of the early achievers program;

(e) A summary of the types of exceptional circumstances for which the department has granted an extension to early achievers rating milestones pursuant to RCW 43.216.085;

(f) An analysis of the availability and quality of infant and toddler care; and

(g) An examination of any identified barriers that discourage providers from offering extended day early care and education opportunities.

(7) The information to be disclosed or shared under this section must not include sensitive personal information of in-home caregivers for vulnerable populations as defined in RCW 42.56.640, and must not include any other information protected from disclosure under state or federal law.

Sec. 9. RCW 43.216.250 and 2018 c 58 s 70 are each amended to read as follows:

It shall be the secretary's duty with regard to licensing under this chapter:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities or outdoor locations for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto;

(2) (a) In consultation with the state fire marshal's office, the secretary shall use an interagency process to address health and safety requirements for child care programs that serve school-age children and are operated in buildings that contain public or private schools that safely serve children during times in which school is in session;

(b) Any requirements in (a) of this subsection as they relate to the physical facility, including outdoor playgrounds, do not apply to before-school and after-school programs that serve only school-age children and operate in the same facilities used by public or private schools;

(3) In consultation and with the advice and assistance of parents or guardians, and persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter;

(4) In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure, and other persons having unsupervised access to children in child care;

(5) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have

unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person;

(6) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of child care that an agency is authorized to render and the ages and number of children to be served;

(7) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

(8) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

(9) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child care requirements; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

Sec. 10. RCW 43.216.255 and 2015 3rd sp.s. c 7 s 3 are each amended to read as follows:

(1) No later than November 1, 2016, the department shall implement a single set of licensing standards for child care and the early childhood education and assistance program. The department shall produce the single set of licensing standards within the department's available appropriations. The new licensing standards must:

(a) Provide minimum (~~health and safety standards~~) licensing requirements for child care and preschool programs;

(b) Rely on the standards established in the early achievers program to address quality issues in participating early childhood programs;

(c) Take into account the separate needs of family care providers, outdoor nature-based child care providers, and child care centers; and

(d) Promote the continued safety of child care settings.

(2) Private schools that operate early learning programs and do not receive state subsidy payments shall be subject ~~((only))~~ to the minimum health and safety standards ~~((in subsection (1)(a) of this section))~~ as defined in RCW 43.216.395(2)(b), the health and safety requirements under chapter 28A.195 RCW, and the requirements necessary to assure a sufficient early childhood education to meet usual requirements needed for transition into elementary school. The state, and any agency thereof, shall not restrict or dictate any specific educational or other programs for early learning programs operated by private schools except for programs that receive state subsidy payments.

Sec. 11. RCW 43.216.260 and 2007 c 415 s 4 are each amended to read as follows:

Applications for licensure shall require, at a minimum, the following information:

(1) The size and suitability of a facility or location for an outdoor nature-based child care program, and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(2) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children;

(3) The number of qualified persons required to render the type of care for which an agency seeks a license;

(4) ~~((The))~~ To provide for the comfort, care, and well-being of children, information about the health, safety, cleanliness, and general adequacy of the premises ((to provide for the comfort, care, and well-being of children)), including the real property and premises for an outdoor nature-based child care program;

(5) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;

(6) The financial ability of an agency to comply with minimum requirements established under this chapter; and

(7) The maintenance of records pertaining to the care of children.

Sec. 12. RCW 43.216.271 and 2017 3rd sp.s. c 6 s 207 are each amended to read as follows:

Subject to appropriation, the department shall maintain an individual-based or portable background check clearance registry. Any individual seeking a child care license or employment in any child care facility or outdoor nature-based child care program licensed or regulated under current law shall submit a background application on a form prescribed by the department in rule.

Sec. 13. RCW 43.216.280 and 2006 c 265 s 303 are each amended to read as follows:

Licensed child day care centers and outdoor nature-based child care providers shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW.

Sec. 14. RCW 43.216.305 and 2020 c 343 s 5 are each amended to read as follows:

(1) Each agency shall make application for a license or the continuation of a full license to the department ~~((on forms))~~ using a method prescribed by the department. Upon receipt of such application, the department shall either grant or deny a license or continuation of a full license within ninety days. A license or continuation shall be granted if the agency meets the minimum requirements set forth in this chapter and the departmental requirements consistent with this chapter, except that an initial license may be issued as provided in RCW 43.216.315. The department shall consider whether an agency is in good standing, as defined in subsection (4)(b) of this section, before granting a continuation of a full license. Full licenses provided for in this chapter shall continue to remain valid so long as the licensee meets the requirements for a nonexpiring license in subsection (2) of this section and may be transferred to a new licensee in the event of a transfer of ownership of a child care operation. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter applies only to the licensee and the location stated in the application.

For licensed family day care homes having an acceptable history of child care, the license may remain in effect for two weeks after a move.

(2) In order to qualify for a nonexpiring full license, a licensee must meet the following requirements on an annual basis as established from the date of initial licensure:

(a) Submit the annual licensing fee;

(b) Submit a declaration to the department indicating the licensee's intent to continue operating a licensed child care program, or the intent to cease operation on a date certain;

(c) Submit a declaration of compliance with all licensing rules; and

(d) ~~((Submit))~~ For all current employees of the agency and as defined by department rule, submit background check applications into the department's electronic workforce registry on the schedule established by the department.

(3) If a licensee fails to meet the requirements in subsection (2) of this section for continuation of a full license the license expires and the licensee must submit a new application for licensure under this chapter.

(4)(a) Nothing about the nonexpiring license process may interfere with the department's established monitoring practice.

(b) For the purpose of this section, an agency is considered to be in good standing if in the intervening period between monitoring visits the agency does not have any of the following:

(i) Valid complaints;

(ii) A history of noncompliance related to those valid complaints or pending from prior monitoring visits; or

(iii) Other information that when evaluated would result in a finding of noncompliance with this section.

(c) The department shall consider whether an agency is in good standing when determining the most appropriate approach and process for monitoring visits, for the purposes of administrative efficiency while protecting children, consistent with this chapter. If the department determines that an agency is not in good standing, the department may issue a

probationary license, as provided in RCW 43.216.320.

Sec. 15. RCW 43.216.325 and 2018 c 58 s 38 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to this chapter may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of this chapter or the requirements adopted pursuant to this chapter; or (b) that the conditions required for the issuance of a license under this chapter have ceased to exist with respect to such licenses. RCW 43.216.327 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(3)(a) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under this chapter or that an agency subject to licensing under this chapter is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home.

(b) Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance.

(c) Civil monetary penalties shall not exceed one hundred fifty dollars per violation for a family day care home and two hundred fifty dollars per violation for child day care centers or outdoor nature-based child care programs. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

(d) The department shall provide a notification period before a monetary penalty is effective and may forgive the

penalty levied if the agency comes into compliance during this period.

(e) The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. RCW 43.216.335 governs notice of a civil monetary penalty and provides the right to an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

(4) (a) In addition to or in lieu of an enforcement action being taken, the department may place a child day care center, outdoor nature-based child care provider, or family day care provider on nonreferral status if the center or provider has failed or refused to comply with this chapter or rules adopted under this chapter or an enforcement action has been taken. The nonreferral status may continue until the department determines that: (i) No enforcement action is appropriate; or (ii) a corrective action plan has been successfully concluded.

(b) Whenever a child day care center, outdoor nature-based child care provider, or family day care provider is placed on nonreferral status, the department shall provide written notification to the child day care center, outdoor nature-based child care provider, or family day care provider.

(5) The department shall notify appropriate public and private child care resource and referral agencies of the department's decision to: (a) Take an enforcement action against a child day care center, outdoor nature-based child care provider, or family day care provider; or (b) place or remove a child day care center, outdoor nature-based child care provider, or family day care provider on nonreferral status.

Sec. 16. RCW 43.216.340 and 2014 c 9 s 1 are each amended to read as follows:

(1) Before requiring any alterations to a child care facility due to inconsistencies with requirements in chapter 19.27 RCW, the department shall:

(a) Consult with the city or county enforcement official; and

(b) Receive written verification from the city or county enforcement official that the alteration is required.

(2) The department's consultation with the city or county enforcement official is limited to licensed child care space.

(3) Unless there is imminent danger to children or staff, the department may not modify, suspend, or revoke a child care license or business activities while the department is waiting to:

(a) Consult with the city or county enforcement official under subsection (1) (a) of this section; or

(b) Receive written verification from the city or county enforcement official that the alteration is required under subsection (1) (b) of this section.

(4) For the purposes of this section, "child care facility" means a family day care home, school-age care, outdoor nature-based child care, and child day care center.

Sec. 17. RCW 43.216.360 and 2011 c 296 s 3 are each amended to read as follows:

When the department suspects that an agency is providing child care services without a license, it shall send notice to that agency within ten days. The notice shall include, but not be limited to, the following information:

(1) That a license is required and the reasons why;

(2) That the agency is suspected of providing child care without a license;

(3) That the agency must immediately stop providing child care until the agency becomes licensed;

(4) That the department can issue a penalty of one hundred fifty dollars per day for each day a family day care home provided care without being licensed and two hundred fifty dollars for each day a child day care center or outdoor nature-based child care provider provided care without being licensed;

(5) That if the agency does not initiate the licensing process within thirty days of the date of the notice, the department will post on its web site that the agency is providing child care without a license.

Sec. 18. RCW 43.216.395 and 2017 3rd sp.s. c 6 s 114 are each amended to read as follows:

(1) The department shall develop an internal review process to determine

whether department licensors have appropriately and consistently applied agency rules in ~~((child care facility licensing compliance agreements))~~ inspection reports that do not involve a violation of health and safety standards. Adverse licensing decisions including license denial, suspension, revocation, modification, or nonrenewal pursuant to RCW 43.216.325 or imposition of civil fines pursuant to RCW 43.216.335 are not subject to the internal review process in this section, but may be appealed using the administrative procedure act, chapter 34.05 RCW.

(2) The definitions in this subsection apply throughout this section.

(a) "Child care facility licensing compliance agreement" means an agreement issued by the department in lieu of the department taking enforcement action against a child care provider that contains: (i) A description of the violation and the rule or law that was violated; (ii) a statement from the licensee regarding the proposed plan to comply with the rule or law; (iii) the date the violation must be corrected; (iv) information regarding other licensing action that may be imposed if compliance does not occur by the required date; and (v) the signature of the licensor and licensee or the licensee's delegate.

(b) "Health and safety standards" means rules or requirements developed by the department to protect the health and safety of children against ~~((substantial))~~ risk of bodily, mental, or psychological injury, harm, illness, or death.

(3) The internal review process shall be conducted by the following six individuals:

(a) Three department employees who may include child care licensors; and

(b) Three child care providers selected by the department from names submitted by the oversight board for children, youth, and families established in RCW 43.216.015.

(4) The internal review process established in this section may overturn, change, or uphold a department licensing decision by majority vote. In the event that the six individuals conducting the internal review process are equally divided, the secretary or the secretary's designee shall make the decision of the

internal review process. The internal review process must provide the parties with a written decision of the outcome after completion of the internal review process. A licensee must request a review under the internal review process within ten days of the development of ~~((a child care facility licensing compliance agreement))~~ an inspection report and the internal review process must be completed within ~~((thirty))~~ sixty days after the request from the licensee to initiate the internal review process is received.

(5) A licensee may request a final review by the oversight board for children, youth, and families after completing the internal review process established in this section by giving notice to the department and the oversight board for children, youth, and families within ten days of receiving the written decision produced by the internal review process.

~~((6) The department shall not develop a child care facility licensing compliance agreement with a child care provider for first-time violations of rules that do not relate to health and safety standards and that can be corrected on the same day that the violation is identified. The department shall develop a procedure for providing a warning and offering technical assistance to providers in response to these first-time violations.))~~

Sec. 19. RCW 43.216.515 and 2020 c 321 s 1 are each amended to read as follows:

(1) Approved early childhood education and assistance programs shall receive state-funded support through the department. Public or private organizations including, but not limited to, school districts, educational service districts, community and technical colleges, local governments, or nonprofit organizations, are eligible to participate as providers of the state early childhood education and assistance program.

(2) Funds obtained by providers through voluntary grants or contributions from individuals, agencies, corporations, or organizations may be used to expand or enhance preschool programs so long as program standards established by the department are maintained.

(3) Persons applying to conduct the early childhood education and assistance

program shall identify targeted groups and the number of children to be served, program components, the qualifications of instructional and special staff, the source and amount of grants or contributions from sources other than state funds, facilities and equipment support, and transportation and personal care arrangements.

(4) A new early childhood education and assistance program provider must complete the requirements in this subsection to be eligible to receive state-funded support under the early childhood education and assistance program:

(a) Enroll in the early achievers program within thirty days of the start date of the early childhood education and assistance program contract;

(b)(i) Except as provided in (b)(ii) of this subsection, rate at a level 4 or 5 in the early achievers program within twenty-four months of enrollment. If an early childhood education and assistance program provider rates below a level 4 within twenty-four months of enrollment, the provider must complete remedial activities with the department, and must rate at or request to be rated at a level 4 or 5 within twelve months of beginning remedial activities.

(ii) Licensed or certified child care centers (~~and homes~~), family home providers, and outdoor nature-based child care providers that administer an early childhood education and assistance program shall rate at a level 4 or 5 in the early achievers program within twenty-four months of the start date of the early childhood education and assistance program contract. If an early childhood education and assistance program provider rates below a level 4 within twenty-four months, the provider must complete remedial activities with the department, and must rate at or request to be rated at a level 4 or 5 within twelve months of beginning remedial activities.

(5)(a) If an early childhood education and assistance program provider has successfully completed all of the required early achievers program activities and is waiting to be rated by the deadline provided in this section, the provider may continue to participate in the early achievers program as an approved early childhood education and assistance program provider and receive

state subsidy pending the successful completion of a level 4 or 5 rating.

(b) To avoid disruption, the department may allow for early childhood education and assistance program providers who have rated below a level 4 after completion of the twelve-month remedial period to continue to provide services until the current school year is finished.

(c)(i) If the early childhood education and assistance program provider described under subsection (4)(b)(i) or (ii) of this section does not rate or request to be rated at a level 4 or 5 following the remedial period, the provider is not eligible to receive state-funded support under the early childhood education and assistance program under this section.

(ii) If the early childhood education and assistance program provider described under subsection (4)(b)(i) or (ii) of this section does not rate at a level 4 or 5 when the rating is released following the remedial period, the provider is not eligible to receive state-funded support under the early childhood education and assistance program under this section.

(6)(a) When an early childhood education and assistance program in good standing changes classroom locations to a comparable or improved space within the same facility, or to a comparable or improved outdoor location for an outdoor nature-based child care, a rerating is not required outside of the regular rerating and renewal cycle.

(b) When an early childhood education and assistance program in good standing moves to a new facility, or to a new outdoor location for an outdoor nature-based child care, the provider must notify the department of the move within six months of changing locations in order to retain their existing rating. The early achievers program must conduct an observational visit to ensure the new classroom space is of comparable or improved environmental quality. If a provider fails to notify the department within six months of a move, the early achievers rating must be changed from the posted rated level to "Participating, Not Yet Rated" and the provider will cease to receive tiered reimbursement incentives until a new rating is completed.

(7) The department shall collect data periodically to determine the demand for

full-day programming for early childhood education and assistance program providers. The department shall analyze this demand by geographic region and shall include the findings in the annual report required under RCW 43.216.089.

(8) The department shall develop multiple pathways for licensed or certified child care centers and homes to administer an early childhood education and assistance program. The pathways shall include an accommodation for these providers to rate at a level 4 or 5 in the early achievers program according to the timelines and standards established in subsection (4)(b)(ii) of this section. The department must consider using the intermediate level that is between level 3 and level 4 as described in RCW 43.216.085, incentives, and front-end funding in order to encourage providers to participate in the pathway.

Sec. 20. RCW 43.216.530 and 2015 3rd sp.s. c 7 s 10 are each amended to read as follows:

The department shall review applications from public or private organizations for state funding of early childhood education and assistance programs. The department shall consider local community needs, demonstrated capacity, and the need to support a mixed delivery system of early learning that includes alternative models for delivery including licensed centers, outdoor nature-based child care providers, and licensed family child care providers when reviewing applications.

Sec. 21. RCW 43.216.650 and 2015 c 199 s 1 are each amended to read as follows:

(1) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition.

(2)(a) The department shall conduct a child fatality review if a child fatality occurs in an early learning program described in RCW (~~43.215.400 through 43.215.450~~) 43.216.500 through 43.216.550 or a licensed child care center, licensed outdoor nature-based child care, or a licensed child care home.

(b) The department shall convene a child fatality review committee and determine the membership of the review committee. The committee shall comprise individuals with appropriate expertise,

including but not limited to experts from outside the department with knowledge of early learning licensing requirements and program standards, a law enforcement officer with investigative experience, a representative from a county or state health department, and a child advocate with expertise in child fatalities. The department shall invite one parent or guardian for membership on the child fatality review committee who has had a child die in a child care setting. The department shall ensure that the fatality review team is made up of individuals who had no previous involvement in the case.

(c) The department shall allow the parents or guardians whose child's death is being reviewed to testify before the child fatality review committee.

(d) The primary purpose of the fatality review shall be the development of recommendations to the department and legislature regarding changes in licensing requirements, practice, or policy to prevent fatalities and strengthen safety and health protections for children.

(e) Upon conclusion of a child fatality review required pursuant to this section, the department shall, within one hundred eighty days following the fatality, issue a report on the results of the review, unless an extension has been granted by the governor. Reports must be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section must be posted and maintained. A child fatality review report completed pursuant to this section is subject to public disclosure and must be posted on the public web site, except that confidential information may be redacted by the department consistent with the requirements of RCW 13.50.100, 68.50.105, and 74.13.500 through 74.13.525, chapter 42.56 RCW, and other applicable state and federal laws.

(3) The department shall consult with the office of the family and children's ombuds to determine if a review should be conducted in the case of a near child fatality that occurs in an early learning program described in RCW (~~43.215.400 through 43.215.450~~) 43.216.500 through 43.216.550 or licensed child care center, licensed outdoor nature-based child care, or licensed child care home.

(4) In any review of a child fatality or near fatality, the department and the fatality review team must have access to all records and files regarding the child or that are otherwise relevant to the review and that have been produced or retained by the early education and assistance program provider or licensed child care center, licensed outdoor nature-based child care, or licensed family home provider.

(5) The child fatality review committee shall coordinate with local law enforcement to ensure that the fatality or near fatality review does not interfere with any ongoing or potential criminal investigation.

(6)(a) A child fatality or near fatality review completed pursuant to this section is subject to discovery in a civil or administrative proceeding, but may not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to this section.

(b) A department employee responsible for conducting a child fatality or near fatality review, or member of a child fatality or near fatality review team, may not be examined in a civil or administrative proceeding regarding the following:

(i) The work of the child fatality or near fatality review team;

(ii) The incident under review;

(iii) The employee's or member's statements, deliberations, thoughts, analyses, or impressions relating to the work of the child fatality or near fatality review team or the incident under review; or

(iv) Statements, deliberations, thoughts, analyses, or impressions of any other member of the child fatality or near fatality review team, or any person who provided information to the child fatality or near fatality review team, relating to the work of the child fatality or near fatality review team or the incident under review.

(c) Documents prepared by or for a child fatality or near fatality review team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a child fatality or near fatality review, or that is created independently of such

review, does not become inadmissible merely because it is reviewed or used by a child fatality or near fatality review team. A person is not unavailable as a witness merely because the person has been interviewed by or has provided a statement for a child fatality or near fatality review, but if called as a witness, a person may not be examined regarding the person's interactions with the child fatality or near fatality review including, without limitation, whether the person was interviewed during such review, the questions that were asked during such review, and the answers that the person provided during such review. This section may not be construed as restricting a person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(d) The restrictions in this section do not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with a minor's death or near fatality reviewed by a child fatality or near fatality review team.

(7) The department shall develop and implement procedures to carry out the requirements of this section.

(8) Nothing in this section creates a duty for the office of the family and children's ombuds under RCW 43.06A.030 as related to children in the care of an early learning program described in RCW (~~43.215.400 through 43.215.450~~) 43.216.500 through 43.216.550, a licensed child care center, a licensed outdoor nature-based child care, or a licensed child care home.

Sec. 22. RCW 43.216.660 and 2017 3rd sp.s. c 6 s 212 are each amended to read as follows:

It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. The availability of quality, affordable child care is a concern for working parents, the costs of care are often beyond the resources of working

parents, and child care facilities are not located conveniently to workplaces and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings shall include, but not be limited to, family day care homes, ~~((mini-centers))~~ outdoor nature-based child care, centers, and schools.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry through the department.

Sec. 23. RCW 43.216.685 and 2013 c 23 s 99 are each amended to read as follows:

(1) The department shall establish and maintain a toll-free telephone number, and an interactive web-based system through which persons may obtain information regarding child day care centers, outdoor nature-based child care providers, and family day care providers. This number shall be available twenty-four hours a day for persons to request information. The department shall respond to recorded messages left at the number within two business days. The number shall be published in reasonably available printed and electronic media. The number shall be easily identifiable as a number through which persons may obtain information regarding child day care centers and family day care providers as set forth in this section.

(2) Through the toll-free telephone line established by this section, the department shall provide information to callers about: (a) Whether a day care provider is licensed; (b) whether a day

care provider's license is current; (c) the general nature of any enforcement against the providers; (d) how to report suspected or observed noncompliance with licensing requirements; (e) how to report alleged abuse or neglect in a day care; (f) how to report health, safety, and welfare concerns in a day care; (g) how to receive follow-up assistance, including information on the office of the family and children's ombuds; and (h) how to receive referral information on other agencies or entities that may be of further assistance to the caller.

(3) ~~((Beginning in January 2006, the))~~ The department shall print the toll-free number established by this section on the face of new licenses issued to child day care centers, outdoor nature-based child care providers, and family day care providers.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

Sec. 24. RCW 43.216.687 and 2007 c 415 s 6 are each amended to read as follows:

(1) Every child day care center, outdoor nature-based child care provider, and family day care provider shall prominently post the following items, clearly visible to parents and staff:

(a) The license issued under this chapter;

(b) The department's toll-free telephone number established by RCW ~~((43.215.520))~~ 43.216.685;

(c) The notice of any pending enforcement action. The notice must be posted immediately upon receipt. The notice must be posted for at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;

(d) A notice that inspection reports and any notices of enforcement actions for the previous three years are available from the licensee and the department; and

(e) Any other information required by the department.

(2) The department shall disclose the receipt, general nature, and resolution or current status of all complaints on

record with the department after July 24, 2005, against a child day care center or family day care provider that result in an enforcement action. Information may be posted:

(a) On a web site; or

(b) In a physical location that is easily accessed by parents and potential employers.

(3) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

Sec. 25. RCW 43.216.689 and 2007 c 415 s 7 are each amended to read as follows:

(1) Every child day care center, outdoor nature-based child care provider, and family day care provider shall have readily available for review by the department, parents, and the public a copy of each inspection report and notice of enforcement action received by the center or provider from the department for the past three years. This subsection only applies to reports and notices received on or after July 24, 2005.

(2) The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day care centers, outdoor nature-based child care providers, and family day care providers. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(3) The department may make available on a publicly accessible web site all inspection reports and notices of licensing actions, including the corrective measures required or taken, involving child day care centers, outdoor nature-based child care providers, and family day care providers.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

Sec. 26. RCW 43.216.690 and 2019 c 362 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, ((a)) child day care

((center)) centers and outdoor nature-based child care providers licensed under this chapter may not allow on the premises an employee or volunteer, who has not provided the child day care center or outdoor nature-based child care provider with:

(a) Immunization records indicating that he or she has received the measles, mumps, and rubella vaccine; or

(b) Proof of immunity from measles through documentation of laboratory evidence of antibody titer or a health care provider's attestation of the person's history of measles sufficient to provide immunity against measles.

(2)(a) The child day care center and outdoor nature-based child care provider may allow a person to be employed or volunteer on the premises for up to thirty calendar days if he or she signs a written attestation that he or she has received the measles, mumps, and rubella vaccine or is immune from measles, but requires additional time to obtain and provide the records required in subsection (1)(a) or (b) of this section.

(b) The child day care center and outdoor nature-based child care provider may allow a person to be employed or volunteer on the premises if the person provides the child day care center or outdoor nature-based child care provider with a written certification signed by a health care practitioner, as defined in RCW 28A.210.090, that the measles, mumps, and rubella vaccine is, in the practitioner's judgment, not advisable for the person. This subsection (2)(b) does not apply if it is determined that the measles, mumps, and rubella vaccine is no longer contraindicated.

(3) The child day care center and outdoor nature-based child care provider shall maintain the documents required in subsection (1) or (2) of this section in the person's personnel record maintained by the child day care center.

(4) For purposes of this section, "volunteer" means a nonemployee who provides care and supervision to children at the child day care center or outdoor nature-based child care program.

Sec. 27. RCW 43.216.700 and 2007 c 415 s 10 are each amended to read as follows:

(1) Every licensed child day care center and outdoor nature-based child

care provider shall, at the time of licensure or renewal and at any inspection, provide to the department proof that the licensee has day care insurance as defined in RCW 48.88.020, or is self-insured pursuant to chapter 48.90 RCW.

(a) Every licensed child day care center and outdoor nature-based child care provider shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day care center or outdoor nature-based child care location, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(b) Liability limits under this subsection shall be the same as set forth in RCW 48.88.050.

(c) The department may take action as provided in RCW ~~((43.215.300))~~ 43.216.325 if the licensee fails to maintain in full force and effect the insurance required by this subsection.

(d) This subsection applies to child day care centers and outdoor nature-based child care providers holding licenses, initial licenses, and probationary licenses under this chapter.

(e) A child day care center holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(2)(a) Every licensed family day care provider shall, at the time of licensure or renewal either:

(i) Provide to the department proof that the licensee has day care insurance as defined in RCW 48.88.020, or other applicable insurance; or

(ii) Provide written notice of their insurance status on a standard form developed by the department to parents with a child enrolled in family day care and keep a copy of the notice to each parent on file. Family day care providers may choose to opt out of the requirement to have day care or other applicable insurance but must provide written notice

of their insurance status to parents with a child enrolled and shall not be subject to the requirements of (b) or (c) of this subsection.

(b) Any licensed family day care provider that provides to the department proof that the licensee has insurance as provided under (a)(i) of this subsection shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day care home, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(c) Liability limits under (a)(i) of this subsection shall be the same as set forth in RCW 48.88.050.

(d) The department may take action as provided in RCW ~~((43.215.300))~~ 43.216.325 if the licensee fails to comply with the requirements of this subsection.

(e) A family day care provider holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(3) Noncompliance or compliance with the provisions of this section shall not constitute evidence of liability or nonliability in any injury litigation.

NEW SECTION. Sec. 28. A new section is added to chapter 43.216 RCW to read as follows:

(1) The department shall establish a licensed outdoor nature-based child care program.

(2) The department shall adopt rules to implement the outdoor nature-based child care program and may waive or adapt licensing requirements when necessary to allow for the operation of outdoor classrooms.

(3) The department shall apply the early achievers program to the outdoor nature-based child care program to assess quality in outdoor learning environments and may waive or adapt early achievers

requirements when necessary to allow for the operation of outdoor classrooms.

(4) A child care or early learning program operated by a federally recognized tribe may participate in the outdoor nature-based child care program through an interlocal agreement between the tribe and the department. The interlocal agreement must reflect the government-to-government relationship between the state and the tribe, including recognition of tribal sovereignty.

(5) Subject to the availability of funds, the department may convene an advisory group of outdoor, nature-based early learning practitioners to inform and support implementation of the outdoor nature-based child care program.

Sec. 29. RCW 43.216.300 and 2018 c 58 s 41 are each amended to read as follows:

~~((1))~~ The secretary ~~((shall))~~ may not charge fees to the licensee for obtaining a child care license. ~~((The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.~~

~~(2) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.~~

~~(3) The secretary shall establish the fees charged by rule.)~~

Sec. 30. RCW 74.15.125 and 1995 c 302 s 7 are each amended to read as follows:

(1) The department may issue a probationary license to a licensee who has had a license but is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about noncompliance if:

(a) The noncompliance does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue; and

(b) The licensee has a plan approved by the department to correct the area of noncompliance within the probationary period.

(2) A probationary license may be issued for up to six months, and at the discretion of the department it may be

extended for an additional six months. The department shall immediately terminate the probationary license, if at any time the noncompliance for which the probationary license was issued presents an immediate threat to the health or well-being of the children.

(3) The department may, at any time, issue a probationary license for due cause that states the conditions of probation.

(4) An existing license is invalidated when a probationary license is issued.

(5) At the expiration of the probationary license, the department shall reinstate the original license for the remainder of its term, issue a new license, or revoke the original license.

(6) A right to an adjudicative proceeding shall not accrue to the licensee whose license has been placed on probationary status unless the licensee does not agree with the placement on probationary status and the department then suspends, revokes, or modifies the license.

(7)(a) The department may issue a child-specific license to a relative, as defined in RCW 13.36.020, or a suitable person, as defined in RCW 13.36.020, who opts to become licensed for placement of a specific child and that child's siblings or relatives in the department's care, custody, and control.

(b) Such individuals must meet all minimum licensing requirements for foster family homes established pursuant to RCW 74.15.030 and are subject to child-specific license criteria, which the department is authorized to establish by rule.

(c) For purposes of federal funding, a child-specific license is considered a full license with all of the rights and responsibilities of a foster family home license, except that at the discretion of the department the licensee may only receive placement of specific children pursuant to (a) of this subsection.

(d) A child-specific license does not confer upon the licensee a right to placement of a particular child, nor does it confer party status in any proceeding under chapter 13.34 RCW.

(e) The department shall seek input from the following stakeholders during the development and adoption of rules necessary to implement this section:

Representatives from the kinship care oversight committee, an organization that represents current and former foster youth, an organization that represents child placing agencies, and a statewide advisory group of foster youth and alumni of foster care. The department shall seek tribal input as outlined in the department's government-to-government policy, per RCW 43.376.020.

NEW SECTION. Sec. 31. Section 3 of this act expires December 31, 2021.

NEW SECTION. Sec. 32. Section 4 of this act takes effect December 31, 2021.

NEW SECTION. Sec. 33. If specific funding for the purposes of section 29 of this act, referencing section 29 of this act by bill or chapter number and section number, is not provided by June 30, 2021, in the omnibus appropriations act, section 29 of this act is null and void.

NEW SECTION. Sec. 34. Section 29 of this act expires June 30, 2023."

Correct the title.

Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Appropriations.

March 17, 2021

ESSB 5229 Prime Sponsor, Committee on Health & Long Term Care: Concerning health equity continuing education for health care professionals. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Healthy Washingtonians contribute to the economic and social welfare of their families and communities, and access to health services and improved health outcomes allows all Washington families to enjoy productive and satisfying lives;

(2) The COVID-19 pandemic has further exposed that health outcomes are experienced differently by different people based on discrimination and bias by the health care system. Research shows that health care resources are distributed unevenly by intersectional categories including, but not limited to, race, gender, ability status, religion, sexual orientation, socioeconomic status, and geography; and

(3) These inequities have permeated health care delivery, deepening adverse outcomes for marginalized communities. This bill aims to equip health care workers with the skills to recognize and reduce these inequities in their daily work. In addition to their individual impact, health care workers need the skills to address systemic racism and bias.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) By January 1, 2024, the rule-making authority for each health profession licensed under Title 18 RCW subject to continuing education requirements must adopt rules requiring a licensee to complete health equity continuing education training at least once every four years.

(2) Health equity continuing education courses may be taken in addition to or, if a rule-making authority determines the course fulfills existing continuing education requirements, in place of other continuing education requirements imposed by the rule-making authority.

(3) (a) The secretary and the rule-making authorities must work collaboratively to provide information to licensees about available courses. The secretary and rule-making authorities shall consult with patients or communities with lived experiences of health inequities or racism in the health care system and relevant professional organizations when developing the information and must make this information available by July 1, 2023. The information should include a course option that is free of charge to licensees. It is not required that courses be included in the information in order to fulfill the health equity continuing education requirement.

(b) By January 1, 2023, the department, in consultation with the boards and commissions, shall adopt model

rules establishing the minimum standards for continuing education programs meeting the requirements of this section. The department shall consult with patients or communities with lived experience of health inequities or racism in the health care system, relevant professional organizations, and the rule-making authorities in the development of these rules.

(c) The minimum standards must include instruction on skills to address the structural factors, such as bias, racism, and poverty, that manifest as health inequities. These skills include individual-level and system-level intervention, and self-reflection to assess how the licensee's social position can influence their relationship with patients and their communities. These skills enable a health care professional to care effectively for patients from diverse cultures, groups, and communities, varying in race, ethnicity, gender identity, sexuality, religion, age, ability, socioeconomic status, and other categories of identity. The courses must assess the licensee's ability to apply health equity concepts into practice. Course topics may include, but are not limited to:

(i) Strategies for recognizing patterns of health care disparities on an individual, institutional, and structural level and eliminating factors that influence them;

(ii) Intercultural communication skills training, including how to work effectively with an interpreter and how communication styles differ across cultures;

(iii) Implicit bias training to identify strategies to reduce bias during assessment and diagnosis;

(iv) Methods for addressing the emotional well-being of children and youth of diverse backgrounds;

(v) Ensuring equity and antiracism in care delivery pertaining to medical developments and emerging therapies;

(vi) Structural competency training addressing five core competencies:

(A) Recognizing the structures that shape clinical interactions;

(B) Developing an extraclinical language of structure;

(C) Rearticulating "cultural" formulations in structural terms;

(D) Observing and imagining structural interventions; and

(E) Developing structural humility; and

(vii) Cultural safety training.

(4) The rule-making authority may adopt rules to implement and administer this section, including rules to establish a process to determine if a continuing education course meets the health equity continuing education requirement established in this section.

(5) For purposes of this section the following definitions apply:

(a) "Rule-making authority" means the regulatory entities identified in RCW 18.130.040 and authorized to establish continuing education requirements for the health care professions governed by those regulatory entities.

(b) "Structural competency" means a shift in medical education away from pedagogic approaches to stigma and inequalities that emphasize cross-cultural understandings of individual patients, toward attention to forces that influence health outcomes at levels above individual interactions. Structural competency reviews existing structural approaches to stigma and health inequities developed outside of medicine and proposes changes to United States medical education that will infuse clinical training with a structural focus.

(c) "Cultural safety" means an examination by health care professionals of themselves and the potential impact of their own culture on clinical interactions and health care service delivery. This requires individual health care professionals and health care organizations to acknowledge and address their own biases, attitudes, assumptions, stereotypes, prejudices, structures, and characteristics that may affect the quality of care provided. In doing so, cultural safety encompasses a critical consciousness where health care professionals and health care organizations engage in ongoing self-reflection and self-awareness and hold themselves accountable for providing culturally safe care, as defined by the patient and their communities, and as measured through progress towards

achieving health equity. Cultural safety requires health care professionals and their associated health care organizations to influence health care to reduce bias and achieve equity within the workforce and working environment.

Sec. 3. RCW 43.70.615 and 2006 c 237 s 2 are each amended to read as follows:

(1) For the purposes of this section, "multicultural health" means the provision of health care services with the knowledge and awareness of the causes and effects of the determinants of health that lead to disparities in health status between different genders and racial and ethnic populations and the practice skills necessary to respond appropriately.

(2) The department, in consultation with the disciplining authorities as defined in RCW 18.130.040, shall establish, within available department general funds, an ongoing multicultural health awareness and education program as an integral part of its health professions regulation. The purpose of the education program is to raise awareness and educate health care professionals regarding the knowledge, attitudes, and practice skills necessary to care for diverse populations to achieve a greater understanding of the relationship between culture and health. (~~The disciplining authorities having the authority to offer continuing education may provide training in the dynamics of providing culturally competent, multicultural health care to diverse populations.~~) Any such education shall be developed in collaboration with education programs that train students in that health profession. (~~A disciplining authority may require that instructors of continuing education or continuing competency programs integrate multicultural health into their curricula when it is appropriate to the subject matter of the instruction.~~) No funds from the health professions account may be utilized to fund activities under this section unless the disciplining authority authorizes expenditures from its proportions of the account. (~~A disciplining authority may defray costs by authorizing a fee to be charged for participants or materials relating to any sponsored program.~~)

(3) By July 1, 2008, each education program with a curriculum to train health professionals for employment in a

profession credentialed by a disciplining authority under chapter 18.130 RCW shall integrate into the curriculum instruction in multicultural health as part of its basic education preparation curriculum. The department may not deny the application of any applicant for a credential to practice a health profession on the basis that the education or training program that the applicant successfully completed did not include integrated multicultural health curriculum as part of its basic instruction."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member and Ybarra.

Referred to Committee on Rules for second reading.

March 17, 2021

SSB 5401

Prime Sponsor, Committee on Higher Education & Workforce Development: Authorizing community and technical colleges to offer bachelor degrees in computer science. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Hansen; Hoff; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Appropriations.

March 18, 2021

SJM 8004

Prime Sponsor, Senator Hasegawa: Addressing "de-risking" by financial institutions. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Ryu and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

There being no objection, the House adjourned until 9:55 a.m., March 19, 2021, the 68th Legislative Day of the Regular Session.

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTY EIGHTH DAY

House Chamber, Olympia, Friday, March 19, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

March 18, 2021

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

SSB 5030 Prime Sponsor, Committee on Early Learning & K-12 Education: Developing comprehensive school counseling programs. Reported by Committee on Education

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

INTRODUCTION & FIRST READING

MAJORITY recommendation: Do pass as amended.

HB 1557 by Representatives MacEwen and Chapman

Strike everything after the enacting clause and insert the following:

AN ACT Relating to increasing legislative involvement in gubernatorial proclamations relating to a state of emergency; amending RCW 43.06.210 and 43.06.220; creating a new section; and declaring an emergency.

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that certificated school counselors are uniquely qualified to address the developmental needs of all students through a comprehensive school counseling program. School counselors play a critical role in maximizing K-12 student outcomes, including those related to attendance, academic achievement, high school graduation, postsecondary readiness, and social-emotional development. The legislature finds that school counselors play an especially unique role in the lives of students from underserved backgrounds, particularly students of color, students with disabilities, English language learners, and students living in poverty, who, according to research, are more likely to seek out their school counselor for academic, mental health, or postsecondary planning needs.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

March 18, 2021

HB 1532 Prime Sponsor, Representative Ormsby: Concerning court filing fees. Reported by Committee on Appropriations

(2) The legislature also recognizes research indicating that lower counselor to student ratios enable counselors to work more closely with students and address their unique needs, and that school counselors should be able to use their time to provide direct and indirect services to students as described in a comprehensive school counseling program grounded in research.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Rude and Steele.

Referred to Committee on Rules for second reading.

By the beginning of the 2022-23 school year each school district shall develop and implement a written plan for a

comprehensive school counseling program that is based on regularly updated standards developed by a national organization representing school counselors. The written plan must:

(1) Establish a comprehensive school counseling program that uses state and nationally recognized counselor frameworks and is systemically aligned to state learning standards;

(2) Provide a process for identifying student needs through a multilevel school data review and analysis that includes, at a minimum, use-of-time data, program results data, and data regarding communication with administrators, parents, students, and stakeholders;

(3) Explain how direct and indirect services will be delivered through the comprehensive school counseling program; and

(4) Establish an annual review and assessment process for the comprehensive school counseling program that includes building administrators and stakeholders.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.320 RCW to read as follows:

(1) The comprehensive school counseling program required by section 2 of this act must be implemented by school counselors or other educational staff associates for the purpose of guiding students in academic pursuits, career planning, and social-emotional learning.

(2) School counselors or other educational staff associates assigned to implement comprehensive school counseling programs must allocate at least 80 percent of their work time providing direct and indirect services to benefit students, as aligned with standards developed by a national organization representing school counselors. Tasks such as coordinating and monitoring student testing, supervising students at lunch and recess, and assuming the duties of other noncounseling staff are not direct or indirect services.

(3) For purposes of this section:

(a) "Direct services" are in-person interactions between school counselors or other educational staff associates assigned to implement comprehensive school counseling programs and students that help students improve achievement,

attendance, and discipline. Examples include, but are not limited to, instruction, appraisal, advisement, and counseling.

(b) "Indirect services" are provided on behalf of students as a result of interactions with others by school counselors or educational staff associates assigned to implement comprehensive school counseling programs that allow school counselors or educational staff associates to enhance student achievement and promote equity and access for all students. Examples include, but are not limited to, collaboration, consultation, and referrals.

(c) "Work time" means the portion of an employee's contracted hours for which they are contracted to perform the duties of a school counselor or other educational staff associate assignment.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.320 RCW to read as follows:

(1) By December 1, 2021, the office of the superintendent of public instruction must develop and distribute to school districts guidance for the implementation of sections 2 and 3 of this act.

(2) Prior to the 2022-23 school year, each school district board of directors must, within existing funds, adopt a transition plan for developing and implementing a comprehensive school counseling program plan.

(3) This section expires June 30, 2023."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McCaslin; McEntire; Rude and Steele.

Referred to Committee on Rules for second reading.

March 18, 2021

ESSB 5118 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Supporting successful reentry. Reported

by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.98.010 and 2011 c 336 s 345 are each amended to read as follows:

(1) Whenever a person has entered upon a term of imprisonment in a penal ~~((or))~~, correctional, or juvenile rehabilitation institution of this state, and whenever during the continuance of the term of imprisonment there is pending in this state any untried indictment, information, or complaint against the ((prisoner)) person, he or she shall be brought to trial within ((one hundred twenty)) 120 days after he or she shall have caused to be delivered to the prosecuting attorney and the ((superior)) court ((of the county)) in which the indictment, information, or complaint is pending written notice of the place of his or her imprisonment and his or her request for a final disposition to be made of the indictment, information, or complaint~~((+ PROVIDED, That for))~~. The following time periods shall be excluded from the 120-day calculation:

(a) Arraignment, pretrial proceedings, trial, and sentencing on an unrelated charge in a different county than the court where the charge is pending;

(b) Proceedings related to competency to stand trial on the pending charge, from the entry of an evaluation order to the entry of a court order finding the person competent to proceed; and

(c) Time during which the person is detained in a federal jail or prison and subject to conditions of release not imposed by the state of Washington.

(2) The superintendent or the superintendent's designee who provides the certificate under subsection (4) of this section shall inform any prosecuting attorney or court requesting transportation of the person to resolve an untried indictment, information, or complaint of the person's current location and availability for trial. If the person is unavailable for transportation due to court proceedings in another county, the superintendent shall inform the prosecuting attorney or

court when the person becomes available for transportation and provide a new certificate containing the information under subsection (4) of this section.

(3) For good cause shown in open court, with the ((prisoner)) person or his or her counsel ((shall have)) having the right to be present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(4) The request of the ((prisoner)) person shall be accompanied by a certificate of the superintendent or the superintendent's designee having custody of the ((prisoner)) person, stating the term of commitment under which the ((prisoner)) person is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the ((time of parole eligibility)) earned release date of the ((prisoner)) person, and any decisions of the indeterminate sentence review board relating to the ((prisoner)) person.

~~((+2))~~ (5) The written notice and request for final disposition referred to in subsection (1) of this section shall be given or sent by the ((prisoner)) person to the superintendent or the superintendent's designee having custody of him or her, who shall promptly forward it together with the certificate to the appropriate prosecuting attorney and superior, district, municipal, or juvenile court by certified mail, return receipt requested.

~~((+3))~~ (6) The superintendent or the superintendent's designee having custody of the ((prisoner)) person shall promptly inform him or her in writing of the source and contents of any untried indictment, information, or complaint against him or her concerning which the superintendent or the superintendent's designee has knowledge and of his or her right to make a request for final disposition thereof.

~~((+4))~~ (7) Escape from custody by the ((prisoner)) person subsequent to his or her execution of the request for final disposition referred to in subsection (1) of this section shall void the request.

Sec. 2. RCW 36.70A.200 and 2020 c 128 s 1 and 2020 c 20 s 1027 are each reenacted and amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential

public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 (6) or (15) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

NEW SECTION. Sec. 3. A new section is added to chapter 13.40 RCW to read as follows:

(1) At least 30 days before release from a residential facility, the secretary shall send written notice of the planned release to the person's health care insurance provider. The notice shall include the person's current location and contact information as well as the person's expected location and contact information upon release. The notice shall not disclose the person's incarceration status unless their consent is given.

(2) If the person is not enrolled in a health insurance program, the secretary

and the health care authority shall assist the person in obtaining coverage for which they are eligible in accordance with the time frames specified in subsection (1) of this section.

(3) The secretary may share with the health insurance provider additional health information related to the person to assist with care coordination and continuity of care consistent with RCW 70.02.230(2)(u) and other provisions of chapter 70.02 RCW."

Correct the title.

Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Goodman; Ortiz-Self and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Eslick.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5146 Prime Sponsor, Senator Van De Wege: Authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

March 18, 2021

E2SSB 5227 Prime Sponsor, Committee on Ways & Means: Concerning diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a postsecondary credential such as a degree, apprenticeship, or certificate is increasingly necessary to obtain a job that offers a good salary and advancement opportunities and that increasing the number of students in Washington who obtain such a credential is essential to the state's economic success. The legislature also recognizes that equity gaps remain among postsecondary students and that those gaps particularly impact students from historically marginalized communities.

The legislature finds that developing and maintaining a culture of belonging and support for students, faculty, and staff at institutions of higher education is essential to student success, and that faculty and staff play a key role. The legislature therefore seeks to ensure that public institutions of higher education provide faculty and staff, as well as students, with training to give them tools to address matters related to antiracism, diversity, equity, and inclusion.

The legislature further finds it necessary to regularly analyze the impact of that training on the campus community and to identify any measures needed to increase diversity, equity, and inclusion. Accordingly, the legislature intends that each public institution of higher education assess the learning, working, and living environment on campus that students, faculty, and staff experience to better understand the evolving state of diversity, equity, and inclusion.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education must:

(a) Provide professional development, either existing or new, focused on diversity, equity, inclusion, and antiracism for faculty and staff. This program must be developed in partnership with the institution's administration, faculty, staff, and student leadership groups. Efforts must be made to ensure the program is developed and delivered by individuals with innate and acquired experience and expertise in the field of diversity, equity, and inclusion. The content framework for professional development must be posted on each institution's public website for parents

and community members. The professional development must begin in the 2022-23 academic year;

(b) Create an evaluation for professional development participants. The evaluations must, at minimum, capture a participant's level of satisfaction with the professional development opportunity, the degree to which the learning objectives were achieved, and how the knowledge gained may be applied to their work;

(c)(i) Share completed evaluations of program participants annually with either the state board for community and technical colleges or an organization representing the presidents of the public four-year institutions of higher education, depending on the institution; and (ii) submit curriculum and other pertinent information regarding the program beginning July 1, 2023, and, subsequently, if there is a meaningful change or by request of the reporting entity.

(2) The purpose of each professional development program curriculum must be rooted in eliminating structural racism against all races and promoting diversity, equity, and inclusion while improving academic, social, and health and wellness outcomes for students from historically marginalized communities. Institutions of higher education may further develop a curriculum that is reflective of the needs of the campus community.

(3)(a) Beginning with the 2022-23 academic year, every new faculty and staff member at an institution of higher education must participate in the program, regardless of whether they are a full-time or part-time employee. All faculty and staff participating in the professional development program must complete an evaluation. Other faculty and staff may participate in the professional development program as needed or required by their institution. Each institution must develop a goal of at least 80 percent of their total faculty and staff completing the professional development program every two years and report on their goal's progress in the report established in section 5 of this act. Each institution may determine how to show progress towards their goal. Part-time faculty and staff who are employed at more than one institution of higher education are only required to complete the professional development program at

one institution if they provide proof of completion to their other institution of higher education employers to receive credit for participation.

(b) Beginning with the 2024-25 academic year, 35 percent of tenured faculty and 35 percent of administrators at each institution of higher education must complete the professional development program every two years, regardless of whether they are a full-time or part-time employee.

(4) The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education may conduct further analysis of the professional development programs through participant evaluation data, use of focus groups, or other methods to determine promising practices. The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education must post a list of model standards and promising practices for professional development on their public websites for parents and community members.

(5) The institutions of higher education shall adopt rules as necessary or appropriate for effecting the provisions of this section, not in conflict with this chapter, and in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.10 RCW to read as follows:

(1)(a) The institutions of higher education as defined in RCW 28B.10.016 shall each conduct a campus climate assessment to understand the current state of diversity, equity, and inclusion in the learning, working, and living environment on campus for students, faculty, and staff. The assessment shall occur, at minimum, every five years. Institutions of higher education shall use the results of the campus climate assessment to inform the professional development, established in section 2 of this act, and program, established in section 4 of this act. Institutions may use an existing campus climate assessment to meet this requirement.

(b) The state board for community and technical colleges shall develop a model

campus climate assessment for the community and technical colleges that the colleges may use or modify to meet the requirements of this section.

(2) The design of an existing or new campus climate assessment must involve, at minimum, students, college and university diversity officers, faculty, and staff. The campus climate assessment must include, at minimum, an evaluation of student and employee attitudes and awareness of campus diversity, equity, and inclusion issues. The campus climate assessment may also include questions evaluating the prevalence of discrimination, sexual assault, harassment, and retaliation on and off campus, in addition to student, faculty, and staff knowledge of campus policies and procedures addressing discrimination, sexual assault, harassment, and retaliation. College and university diversity officers and students must be consulted in the development of recommendations.

(3) Institutions of higher education must, at minimum, conduct annual listening and feedback sessions for diversity, equity, and inclusion for the entire campus community during periods between campus climate assessments. Institutions of higher education must, to the maximum extent practicable, compensate students for their participation in the annual listening and feedback sessions.

(4) Beginning July 1, 2022, the institutions of higher education shall report findings or progress in completing their campus climate assessment and, when applicable, information on their listening and feedback sessions annually to either the state board for community and technical colleges or an organization representing the presidents of the public four-year institutions of higher education. The institutions of higher education must also publish annually on the institution's public website the results of either the campus climate assessment or listening and feedback sessions.

(5) The state board for community and technical colleges may require colleges to repeat their campus climate assessment. An organization representing the presidents of the public four-year institutions of higher education may also request state universities, regional universities, and The Evergreen State

College to repeat their campus climate assessment.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education must:

(a) Provide a program, either existing or new, on diversity, equity, inclusion, and antiracism to students beginning with the 2024-25 academic year. Institutions of higher education may expand the focus of its program to reflect the needs of the campus community. This program must be developed in partnership with the institution's administration, faculty, staff, and student leadership groups. Efforts should be made to ensure the program is developed and delivered by individuals with innate and acquired experience and expertise in the field of diversity, equity, and inclusion. The content framework for each program must be posted on each institution's public website for parents and community members; and

(b) Create an evaluation for program participants. The evaluation must, at minimum, capture a participant's level of satisfaction with the program and how they will apply the program to their education.

(2) The purpose of each program must be rooted in eliminating structural racism against all races and promoting diversity, equity, and inclusion while improving outcomes for students from historically marginalized communities. Institutions of higher education may further develop a curriculum that is reflective of the needs of the campus community.

(3) During the 2024-25 academic year, all degree-seeking students at institutions of higher education must participate in the program, regardless of whether they are a full-time or part-time student. Beginning with the 2025-26 academic year, the program is only required for degree-seeking students who are new or have transferred to the institution and have not yet participated in a required diversity, equity, inclusion, and antiracism program at an institution of higher education. Students must be allowed to opt out of participation in the program if they self-attest to taking a diversity, equity, inclusion, and antiracism

training at an institution of higher education within the previous five years.

(4) The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education may conduct further analysis of the programs, through participant evaluation data, use of focus groups, or other methods to determine promising practices. The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education must post a list of model standards and promising practices for programs on their public websites for parents and community members.

(5) The institutions of higher education shall adopt rules as necessary or appropriate for effecting the provisions of this section, not in conflict with this chapter, and in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act.

(6) For purposes of this section, "student" or "students" does not include nonmatriculated students.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.10 RCW to read as follows:

By December 31, 2024, and biennially thereafter, the state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education shall each submit a report to the higher education committees of the legislature in accordance with RCW 43.01.036 for their respective institutions of higher education. The reports must include the following:

(1) Information on the professional development programs implemented by each institution of higher education, including updates on progress towards meeting the goal outlined in section 1 of this act;

(2) A summary of results of the campus climate assessments and other relevant

information received by the institutions of higher education; and

(3) By December 31, 2026, and biennially thereafter, the reports must also include information on the student diversity, equity, inclusion, and antiracism programs implemented by each institution of higher education.

NEW SECTION. **Sec. 6.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representatives Hoff and Sutherland.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., March 22, 2021, the 71st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTY FIRST DAY

House Chamber, Olympia, Monday, March 22, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

RESOLUTION

HOUSE RESOLUTION NO. 2021-4618, by Representatives Abbarno and Orcutt

WHEREAS, Justin R. Schaffer was born January 30, 1992, in Glenwood Springs, Colorado, and graduated from Adna High School in Adna, Washington; and

WHEREAS, Justin Schaffer received a degree in criminal justice from Centralia College; and

WHEREAS, Justin Schaffer served his community honorably as a Washington State trooper in both Morton and Chehalis for seven years of service to the citizens of this state and his community; and

WHEREAS, Trooper Justin Schaffer, while in the line of duty, was fatally struck by a vehicle on Interstate 5 in Chehalis on March 24, 2020; and

WHEREAS, Trooper Justin Schaffer will be missed dearly by his brothers and sisters in the law enforcement family, and his spirit of service will continue through the lives he impacted, as well as those he touched throughout the community; and

WHEREAS, Trooper Justin Schaffer was not only a loving son and brother, but also devoted to his wife, Sandra, his mother, Sheila, and father, Glenn; his brother, Brandon; and his K9 partner, Frankie;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives express its deepest condolences to the family, friends, colleagues, and community that have lost Trooper Justin Schaffer; and

BE IT FURTHER RESOLVED, That the House of Representatives join the people of the State of Washington in commending, saluting, and honoring Trooper Justin Schaffer for his exemplary and exceptional service; and

BE IT FURTHER RESOLVED, That the House of Representatives express profound appreciation and enduring gratitude to the brave men and women that protect our state every day as law enforcement officers; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the surviving family members of Trooper Justin Schaffer.

There being no objection, HOUSE RESOLUTION NO. 4618 was adopted.

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

REPORTS OF STANDING COMMITTEES

March 18, 2021

HB 1277

Prime Sponsor, Representative Ormsby: Providing for an additional revenue source for eviction prevention and housing stability services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing, Human Services & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Calder; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

March 18, 2021

HB 1532

Prime Sponsor, Representative Ormsby: Concerning court filing fees. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Rude and Steele.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5027

Prime Sponsor, Senator Padden:
Concerning closed captioning on
televisions in places of public
accommodation. Reported by Committee
on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.60 RCW to read as follows:

(1) (a) Any person that owns or manages a place of public accommodation that offers a closed-captioned television receiver for use in any public area must activate closed captioning with black background, white text color, and a style and size of font that is readable to people with low vision, unless:

(i) The only receiver of television programming available in a public area is technically incapable of displaying closed captioning; or

(ii) The place of public accommodation is otherwise exempt from the closed captioning requirement under state or federal law.

(b) In a public area with multiple televisions, up to 50 percent of on-premises televisions may be exempt from displaying closed captioning. The exempted televisions must clearly display that they do not have volume or are on mute.

(2) If multiple television models are displayed together for sale in a public area, at least one closed-captioned television must be available for viewing.

(3) If after 90 days from the effective date of this section a person that owns or manages a place of public accommodation fails to comply with the requirements of this section, that person shall be subject to a civil fine of up to \$75 for each violation. Written notice of the violation must be provided to the person and must state that the fine will

be assessed. The notice must also state that the person has an opportunity to cure the violation by complying with the requirement within 30 days after delivery of the notice. If the person demonstrates compliance within the 30-day period, the fine will not be assessed, and the violation must be dismissed. Any subsequent violation shall result in a civil fine of up to \$150.

(4) For purposes of this section the following definitions apply:

(a) "Closed-captioned television receiver" means a receiver of television programming that has the ability to display closed captioning including, but not limited to, a television, digital set-top box, and other technology capable of displaying closed captioning for television programming.

(b) "Closed captioning" means a transcript or dialog of the audio portion of a television program that is displayed on either the bottom or top portion of a television receiver screen when the user activates the feature. There is no requirement for the closed-captioned transcript or dialog to be in any language other than the language of the audio programming, or a default language where a television receiver only displays one language.

(c) "Public area" means any part of a place of public accommodation that is open to the general public.

(5) A violation of this section is a violation of this chapter.

(6) The human rights commission must prepare an educational pamphlet advising employers and employees of their duty and liability under this section. The pamphlet should be made available online. Employers must provide employees with training on this section using the pamphlet."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

March 18, 2021

SSB 5030 Prime Sponsor, Committee on Early Learning & K-12 Education: Developing comprehensive school counseling programs. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that certificated school counselors are uniquely qualified to address the developmental needs of all students through a comprehensive school counseling program. School counselors play a critical role in maximizing K-12 student outcomes, including those related to attendance, academic achievement, high school graduation, postsecondary readiness, and social-emotional development. The legislature finds that school counselors play an especially unique role in the lives of students from underserved backgrounds, particularly students of color, students with disabilities, English language learners, and students living in poverty, who, according to research, are more likely to seek out their school counselor for academic, mental health, or postsecondary planning needs.

(2) The legislature also recognizes research indicating that lower counselor to student ratios enable counselors to work more closely with students and address their unique needs, and that school counselors should be able to use their time to provide direct and indirect services to students as described in a comprehensive school counseling program grounded in research.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

By the beginning of the 2022-23 school year each school district shall develop and implement a written plan for a comprehensive school counseling program that is based on regularly updated standards developed by a national organization representing school counselors. The written plan must:

(1) Establish a comprehensive school counseling program that uses state and nationally recognized counselor frameworks and is systemically aligned to state learning standards;

(2) Provide a process for identifying student needs through a multilevel school data review and analysis that includes, at a minimum, use-of-time data, program results data, and data regarding communication with administrators, parents, students, and stakeholders;

(3) Explain how direct and indirect services will be delivered through the comprehensive school counseling program; and

(4) Establish an annual review and assessment process for the comprehensive school counseling program that includes building administrators and stakeholders.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.320 RCW to read as follows:

(1) The comprehensive school counseling program required by section 2 of this act must be implemented by school counselors or other educational staff associates for the purpose of guiding students in academic pursuits, career planning, and social-emotional learning.

(2) School counselors or other educational staff associates assigned to implement comprehensive school counseling programs must allocate at least 80 percent of their work time providing direct and indirect services to benefit students, as aligned with standards developed by a national organization representing school counselors. Tasks such as coordinating and monitoring student testing, supervising students at lunch and recess, and assuming the duties of other noncounseling staff are not direct or indirect services.

(3) For purposes of this section:

(a) "Direct services" are in-person interactions between school counselors or other educational staff associates assigned to implement comprehensive school counseling programs and students that help students improve achievement, attendance, and discipline. Examples include, but are not limited to, instruction, appraisal, advisement, and counseling.

(b) "Indirect services" are provided on behalf of students as a result of interactions with others by school counselors or educational staff associates assigned to implement comprehensive school counseling programs

that allow school counselors or educational staff associates to enhance student achievement and promote equity and access for all students. Examples include, but are not limited to, collaboration, consultation, and referrals.

(c) "Work time" means the portion of an employee's contracted hours for which they are contracted to perform the duties of a school counselor or other educational staff associate assignment.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.320 RCW to read as follows:

(1) By December 1, 2021, the office of the superintendent of public instruction must develop and distribute to school districts guidance for the implementation of sections 2 and 3 of this act.

(2) Prior to the 2022-23 school year, each school district board of directors must, within existing funds, adopt a transition plan for developing and implementing a comprehensive school counseling program plan.

(3) This section expires June 30, 2023."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McCaslin; McEntire; Rude and Steele.

Referred to Committee on Rules for second reading.

March 19, 2021

SSB 5034 Prime Sponsor, Committee on Law & Justice: Concerning nonprofit corporations. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"PART I
FORMATION AND GENERAL CONDITIONS
ARTICLE 1**

GENERAL PROVISIONS

NEW SECTION. Sec. 1101. SHORT TITLE. This chapter may be known and cited as the Washington nonprofit corporation act.

NEW SECTION. Sec. 1102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Address," unless otherwise specified, means either a physical mailing address or an electronic address.

(2) "Articles" or "articles of incorporation" means the original articles of incorporation as modified by all amendments thereof, as filed by the secretary of state. If any record filed under this chapter restates the articles in their entirety, thenceforth the articles shall not include any prior filings.

(3) "Board" or "board of directors" means the team or body of individuals ultimately responsible for the management of the activities and affairs of the nonprofit corporation, regardless of the name used to refer to the team or body.

(4) "Bylaws" means the code or codes of rules, other than the articles, adopted for the regulation and governance of the internal affairs of the nonprofit corporation, regardless of the name or names used to refer to those rules, excluding separate policies or procedures adopted by the board.

(5) "Charitable corporation" means a domestic nonprofit corporation that is operated primarily or exclusively for one or more charitable purposes.

(6) "Charitable purpose" means a purpose that:

(a) Would make a corporation organized and operated exclusively for that purpose eligible to be exempt from taxation under section 501(c)(3) of the Internal Revenue Code; or

(b) Is considered charitable under applicable law other than this chapter or the Internal Revenue Code.

(7) "Contribution" means the payment, donation, or promise, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation.

(8) "Corporation" means a domestic nonprofit corporation, unless otherwise specified.

(9) "Delegate" means a person elected or appointed to vote in a representative capacity for the election of directors or on other matters.

(10) "Deliver" or "delivery" of a record means delivery by hand, United States mail, private courier service, electronic transmission, or other methods of delivery used in conventional commercial practice, except that delivery to the secretary of state means actual receipt by the secretary of state.

(11) "Director" means an individual designated, elected, or appointed, by that or any other name or title, to act as a member of the board of directors, while the individual is holding that position.

(12) "Domestic," with respect to an entity, means governed as to its internal affairs by the law of this state.

(13) "Domestic corporation" or "domestic nonprofit corporation" means a domestic corporation incorporated under or subject to this chapter.

(14) "Domestic unincorporated entity" means an unincorporated entity whose internal affairs are governed by the laws of this state.

(15) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(16) "Electronic transmission" means an electronic communication:

(a) Not directly involving the physical transfer of a record in a tangible medium; and

(b) That may be retained, retrieved, and reviewed by the sender and the recipient thereof, and that may be directly reproduced in a tangible medium by such a sender and recipient.

(17) "Electronically transmitted" means that the sender of an electronic transmission initiated the electronic transmission.

(18) "Eligible entity" means a domestic or foreign unincorporated entity, a domestic nonprofit corporation incorporated under a corporations statute other than this chapter or its

predecessor statutes, or a domestic or foreign for-profit corporation.

(19) "Employee" does not include an individual serving as an officer or director who is not otherwise employed by the corporation.

(20) "Entitled to vote" means entitled to vote on the matter under consideration pursuant to the articles or bylaws of the nonprofit corporation or any applicable controlling provision of law.

(21) "Entity" means an organization or artificial legal person that either has a separate legal existence or has the power to acquire an estate in real property in its own name and includes, but is not limited to:

(a) A domestic or foreign for-profit corporation;

(b) A domestic or foreign nonprofit corporation;

(c) A domestic or foreign general or limited partnership;

(d) A domestic or foreign limited liability partnership;

(e) A domestic or foreign limited liability company;

(f) Any other domestic or foreign unincorporated entity;

(g) A domestic or foreign estate or trust;

(h) The federal government;

(i) A tribal government; and

(j) A state or local government, foreign government, or governmental subdivision.

(22) "Ex officio director" means an individual who becomes a member of the board of directors not through the regular elections process but by virtue of another position that he or she holds. Unless the articles or bylaws specifically state that an ex officio director does not have the right to vote, such a director has the same right to vote as any other director.

(23) "Execute" or "executed" means:

(a) Signed, with respect to a written record;

(b) Electronically transmitted along with sufficient information to determine the sender's identity and intent to execute; or

(c) With respect to a record to be filed by the secretary of state, in compliance with the standards for filing as prescribed by this chapter; chapter 23.95 RCW; or the secretary of state.

(24) "Federal government" includes a district, authority, bureau, commission, department, and any other agency of the federal government of the United States.

(25) "Filing entity" means an unincorporated entity that is created by filing a public organic record.

(26) "For-profit corporation" or "domestic for-profit corporation" means a domestic business corporation incorporated under or subject to Title 23B RCW or any successor provisions.

(27) "Foreign," with respect to an entity, means governed as to its internal affairs by the law of a jurisdiction other than this state.

(28) "Foreign for-profit corporation" means a foreign corporation that would be a for-profit corporation if incorporated under the law of this state.

(29) "Foreign corporation" or "foreign nonprofit corporation" means a foreign corporation that would be a nonprofit corporation if incorporated under the law of this state.

(30) "Foreign unincorporated entity" means an unincorporated entity whose internal affairs are governed by an organic law of a jurisdiction other than this state.

(31) "Fundamental transaction" means an amendment of the articles or bylaws, merger, sale of all or substantially all of the assets, domestication, conversion, or dissolution of a nonprofit corporation.

(32) "Gift instrument" means a record or records under which property is donated to, transferred to, granted to, or held by the corporation. A solicitation constitutes a gift instrument with respect to a donation, transfer, or grant of property made in response to the solicitation only if:

(a) The solicitation was in the form of a record, including but not limited to, invitations made by electronic transmission or in electronic media, or was documented in the form of a record created no later than ninety days after the solicitation was made; and

(b) The donation, transfer, or grant of property was made within one year of the solicitation.

(33) "Governmental subdivision" includes an authority, county, district, and municipality formed or authorized by any federal, state, or local government.

(34) "Includes" denotes a partial definition.

(35) "Individual" means a natural person.

(36) "Interest" means either or both of the following rights under the organic law of an unincorporated entity:

(a) The right to receive distributions from the entity either in the ordinary course or upon liquidation; or

(b) The right to receive notice or vote on issues involving its internal affairs, other than as an agent, assignee, proxy, or person responsible for managing its business, activities, or affairs.

(37) "Interest holder" means a person who holds of record an interest.

(38) "Interest holder liability" means personal liability for a debt, obligation, or liability of a domestic or foreign for-profit or nonprofit corporation or unincorporated entity that is imposed on a person:

(a) Solely by reason of the person's status as a shareholder, interest holder, or member; or

(b) By the articles, bylaws, or an organic record pursuant to a provision of the organic law authorizing the articles, bylaws, or an organic record to make one or more specified shareholders, interest holders, or members liable in their capacity as shareholders, interest holders, or members for all or specified debts, obligations, or liabilities of the entity.

(39) "Internal Revenue Code" means Title 26 U.S.C., the federal Internal Revenue Code of 1986, as amended, or any successor statute.

(40) "Jurisdiction," when used to refer to a political entity, means the United States, a state, a foreign country, or a political subdivision of a foreign country.

(41) "Jurisdiction of formation" means the jurisdiction whose law includes the organic law of an entity.

(42) "Material interest" means an actual or potential benefit or detriment, other than one that would devolve on the nonprofit corporation or the members generally, that would reasonably be expected to impair the objectivity of an individual's judgment when participating in the action to be taken.

(43) "Material relationship" means a familial, financial, professional, employment, or other relationship that would reasonably be expected to impair the objectivity of an individual's judgment when participating in the action to be taken.

(44) "Means" denotes an exhaustive definition.

(45) "Member" means:

(a) Where the articles state that the corporation has members, a person who has a right set forth in the articles or bylaws, not as a delegate, to select or vote for the election of directors or delegates or to vote on at least one type of fundamental transaction.

(b) For a corporation formed before January 1, 2022, the articles of which do not state that the corporation has members, a person who:

(i) Is defined as a member in the bylaws; and

(ii) Has a right provided in the bylaws, not as a delegate, to select or vote for the election of directors or delegates or to vote on at least one type of fundamental transaction.

(c) A delegate or group of delegates, to the extent:

(i) The powers, functions, or authority of the members have been vested in, or are exercised by, such a delegate or group of delegates; and

(ii) The provision of this chapter in which the term appears is relevant to the discharge by the delegate or group of delegates of its powers, functions, or authority.

(46) "Membership" means the rights and any obligations of a member in a nonprofit corporation.

(47) "Membership corporation" means a nonprofit corporation whose articles provide that it has members, or that has members as defined in subsection (45) of this section.

(48) "Nonfiling entity" means an unincorporated entity that is not created by filing a public organic record.

(49) "Nonmembership corporation" means a nonprofit corporation whose articles do not provide that it has members and that does not have members as defined in subsection (45)(b) of this section.

(50) "Nonprofit corporation" means a domestic nonprofit corporation, unless otherwise specified.

(51) "Notice" has the same meaning as described in section 1103 of this act.

(52) "Notify" means to provide notice as defined in section 1103 of this act.

(53) "Officer" includes:

(a) A person who is an officer as defined in section 2601 of this act; and

(b) If a nonprofit corporation is in the hands of a custodian, receiver, trustee, or other court-appointed fiduciary, that fiduciary or any person appointed by that fiduciary to act as an officer for any purpose under this chapter.

(54) "Organic law" means the law of an entity's jurisdiction of formation governing the internal affairs of the entity.

(55) "Organic record" means a public organic record or the private organic rules.

(56) "Person" includes an individual or an entity.

(57) "Principal office" means the office designated in the annual report required under RCW 23.95.255 as the location of the principal executive office of a domestic or foreign nonprofit corporation, whether or not in this state.

(58) "Private organic rules" means the rules, whether or not in a record, that govern the internal affairs of an unincorporated entity, are binding on all of its interest holders, and are not part of its public organic record, if any.

(59) "Proceeding" means any civil suit or criminal, administrative, or investigatory action.

(60) "Property" means all property, whether real, personal, or mixed or tangible or intangible, including cash, securities, or real property, or any right or interest therein.

(61) "Property held for charitable purposes" is as defined in section 1408 of this act.

(62) "Public organic record" means the record, if any, that is filed as a public record to create an unincorporated entity and any amendment to or restatement of that record.

(63) "Record" means information inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. An electronic transmission not directly involving the physical transfer of a record in a tangible medium is a record only if:

(a) It may be retained, retrieved, and reviewed by the sender and the recipient thereof; and

(b) It may be directly reproduced in a tangible medium by the sender and the recipient thereof.

(64) "Record date" means the date established under section 2307 of this act on which a nonprofit corporation determines the identity of its members and the membership rights they hold for purposes of this chapter. The determinations shall be made as of 12:01 a.m. on the record date unless another time for doing so is specified when the record date is fixed.

(65) "Registered foreign nonprofit corporation" means a foreign nonprofit corporation registered to do business in this state.

(66) "Religious corporation" means a charitable corporation including, but not limited to, a church, mosque, synagogue, temple, nondenominational ministry, interdenominational or ecumenical organization, or faith-based social service agency, that is:

(a) Organized primarily for religious purposes;

(b) Operated primarily, in good faith, to carry out religious purposes;

(c) Held out to the public as carrying out religious purposes; and

(d) Not engaged primarily or substantially in the exchange of goods or services for consideration, unless the consideration does not exceed nominal amounts.

(67) "Shareholder" means the person in whose name shares are registered in the

records of a domestic or foreign for-profit corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with such a corporation.

(68) "Shares" means the units into which the proprietary interests in a domestic or foreign for-profit corporation, or a nonprofit corporation incorporated under organic law other than this chapter that permits proprietary interests in such a corporation, are divided.

(69) "Solicitation" means any oral or written request for a contribution, including an offer or attempt by the solicitor to sell any property, rights, services, or other thing, in connection with which:

(a) Any appeal is made for any charitable purpose;

(b) The name of any charitable corporation, or any foreign nonprofit corporation that would be a charitable corporation if it were incorporated under this chapter, is used as an inducement for making the contribution or consummating the sale; or

(c) Any statement is made that implies that the whole or any part of the contribution or the proceeds from the sale will be applied toward any charitable purpose or donated to any entity organized or operated for charitable purposes.

(70) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, and any agency or governmental subdivision of any of the foregoing.

(71) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

(72) "Unincorporated entity" means an entity that is not any of the following: A domestic or foreign for-profit or nonprofit corporation, an estate, a trust, a governmental subdivision, the federal government, a tribal government, a state or local government, a municipal corporation, a foreign government, or a governmental subdivision. The term includes a general partnership, limited liability company, limited partnership,

cooperative association, limited cooperative association, business or statutory trust, joint stock association, and unincorporated nonprofit association.

(73) "Vote," "voting," or "casting a vote" includes voting occurring at a meeting; voting of members by ballot or proxy; and the giving of consent in the form of a record without a meeting by a person entitled to vote. Whether or not the person entitled to vote characterizes such conduct as voting or casting a vote, the term does not include either recording the fact of abstention or failing to vote for:

(a) A candidate; or

(b) Approval or disapproval of a matter.

(74) "Voting group" means one or more classes of members that under the articles, bylaws, or this chapter are entitled to vote and be counted together collectively on a matter at a meeting of members. All members entitled by the articles, bylaws, or this chapter to vote generally on that matter are for that purpose a single voting group.

(75) "Voting power" means the current power to vote in the election of directors or delegates, or to vote on approval of any type of fundamental transaction.

NEW SECTION. Sec. 1103. NOTICE. (1) Notice under this chapter must be in the form of a record unless this chapter or the articles or bylaws allow oral notice.

(2) Notice may be communicated in person or by delivery. If these forms of communication are impracticable, notice may be communicated by a newspaper of general circulation in the area where published, or by radio, television, or other form of public broadcast communication.

(3) Notice, other than notice described in subsection (4) of this section, is effective at the earliest of the following:

(a) When received;

(b) When left at the recipient's residence or usual place of business;

(c) Five days after its deposit in the United States mail or with a commercial delivery service, if the postage or delivery charge is paid and the notice is correctly addressed; or

(d) On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, or by commercial delivery service.

(4) Notice in the form of a record by a membership corporation to a member is effective:

(a) Five days after its deposit in the United States mail or with a commercial delivery service, if the postage or delivery charge is paid and the notice is correctly addressed to the member's address shown in the corporation's current record of members;

(b) When given, if the notice is delivered by electronic transmission to the member's address shown in the corporation's current record of members; or

(c) When given, if the notice is delivered in any other manner that the member has authorized.

(5) Notice to a domestic or registered foreign nonprofit corporation may be delivered to its registered agent or to the corporation or its secretary at its principal office shown in its most recent annual report or, in the case of a foreign corporation that has not yet delivered an annual report, in its registration statement.

(6) Where oral notice is permitted, it is effective when communicated, if communicated in a comprehensible manner.

(7) If this chapter prescribes notice requirements for particular circumstances, those requirements govern. If the articles or bylaws prescribe notice requirements, not inconsistent with this section or other provisions of this chapter, those requirements govern.

(8) With respect to electronic transmissions:

(a) Unless otherwise provided in the articles or bylaws, or otherwise agreed between the sender and the recipient, an electronic transmission is received when:

(i) It enters an electronic system that the recipient has designated or currently uses for the purpose of receiving electronic transmissions of the type sent; and

(ii) It is in a form capable of being processed by that system.

(b) An electronic transmission is received under (a)(i) of this subsection even if no individual is aware of its receipt.

(c) Receipt of an electronic acknowledgment from an electronic system described in (a)(i) of this subsection establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received, and is not necessary for the record to be received.

(9) A member may revoke in the form of a record a corporation's express or implied authorization to deliver notices or communications by electronic transmission to the member. Such authorization is deemed revoked with respect to a member if:

(a) The corporation cannot deliver two consecutive notices or other communications to the member's address shown in the corporation's current record of members; and

(b) The inability becomes known to the secretary or other person responsible for giving the notice or other communication; but the failure to treat the inability as a revocation does not invalidate any meeting or other action.

NEW SECTION. Sec. 1104. SERVICE UPON CORPORATIONS. (1) Service upon a nonprofit corporation of any process, notice, or demand required or permitted by law may be made by serving the nonprofit corporation's registered agent.

(2) Service upon a nonprofit corporation made by serving the nonprofit corporation's registered agent, or service on the nonprofit corporation in the absence of a registered agent, is governed by chapter 23.95 RCW.

NEW SECTION. Sec. 1105. VENUE FOR ACTIONS. Except as provided under federal or state law or in specific provisions of this chapter, every action arising under this chapter shall be tried in, and "the court" throughout this chapter refers to, the superior court:

(1) In the county where the corporation's principal office in this state is located;

(2) If the corporation has no principal office in this state, in the county where the corporation's registered agent in this state is located;

(3) Of King county; or

(4) Of Thurston county.

NEW SECTION. Sec. 1106. APPLICATION TO EXISTING NONPROFIT CORPORATIONS. (1) This chapter applies to every domestic nonprofit corporation in existence on January 1, 2022, that was incorporated under chapter 24.03 RCW or filed a statement of election through which it elected to have chapter 24.03 RCW apply to it.

(2) Any corporation or association organized under any other chapter of Title 24 RCW may be reorganized under this chapter by adopting and filing amendments to its articles in accordance with this chapter. The articles as amended shall conform to this chapter, and shall state that the corporation accepts the benefits of and will be bound by this chapter.

NEW SECTION. Sec. 1107. APPLICATION TO REGISTERED FOREIGN CORPORATIONS. A foreign nonprofit corporation registered as of December 31, 2021, is subject to this chapter but is not required to obtain a new statement of registration to transact business in this state.

NEW SECTION. Sec. 1108. RELATIONSHIP TO PRIOR STATUTES. (1) Except as provided in subsection (2) of this section, the repeal of chapter 24.03 RCW by this act does not affect:

(a) The operation of the repealed chapter or any action taken under it before its repeal;

(b) Any ratification, right, remedy, privilege, obligation, or liability acquired, accrued, or incurred under the repealed chapter before its repeal;

(c) Any violation of the repealed chapter, or any penalty, forfeiture, or punishment incurred because of the violation, before its repeal; or

(d) Any proceeding, reorganization, or dissolution commenced under the repealed chapter before its repeal, and the proceeding, reorganization, or dissolution may be completed in accordance with the repealed chapter as if it had not been repealed.

(2) If a penalty or punishment imposed for violation of chapter 24.03 RCW repealed by this act is reduced by this chapter, then the penalty or punishment if not already imposed shall be imposed in accordance with this chapter.

NEW SECTION. **Sec. 1109.** RELATIONSHIP TO OTHER LAWS. (1) Unless displaced by particular provisions of this chapter, the principles of law and equity supplement this chapter.

(2) This chapter does not authorize an act prohibited by, and does not affect the application or requirements of, law other than this chapter.

(3) This chapter modifies, limits, or supersedes the federal electronic signatures in global and national commerce act, Title 15 U.S.C. Sec. 7001 et seq., but this chapter does not modify, limit, or supersede section 101(c) of that act or authorize delivery by electronic transmission of any of the notices described in section 103(b) of that act.

NEW SECTION. **Sec. 1110.** SUBORDINATION TO CANON LAW. To the extent religious doctrine or canon law governing the internal affairs of a nonprofit corporation is inconsistent with this chapter, the religious doctrine or canon law controls to the extent required by the United States Constitution, the state Constitution, or both.

ARTICLE 2

FILING DOCUMENTS—SECRETARY OF STATE

NEW SECTION. **Sec. 1201.** APPLICABILITY OF UNIFORM BUSINESS ORGANIZATIONS CODE. Filing of documents under this chapter by the secretary of state is governed by this chapter and chapter 23.95 RCW.

NEW SECTION. **Sec. 1202.** FILING REQUIREMENTS. (1) To be entitled to filing by the secretary of state, a record delivered for filing under this chapter must:

(a) Satisfy the requirements set forth in RCW 23.95.200;

(b) Contain all information required under this chapter and chapter 23.95 RCW;

(c) Be executed on behalf of the domestic or foreign entity as follows:

(i) If the entity is a domestic or foreign nonprofit corporation, by an officer;

(ii) If the entity is not a domestic or foreign nonprofit corporation, by a

person with authority to sign for the entity; or

(iii) If the entity is in the hands of a custodian, receiver, trustee, or other court-appointed fiduciary, by that fiduciary; and

(d) Satisfy the requirements of any other provision of this chapter or chapter 23.95 RCW that adds to or varies any of the requirements in this section.

(2) A filed record may include additional information not in conflict with the requirements of subsection (1) of this section.

(3)(a) Whenever a provision of this chapter permits any of the terms of a plan or a filed record to be dependent on facts objectively ascertainable outside the plan or filed record, the following provisions apply:

(i) The plan or filed record shall set forth the manner in which the facts will operate upon the terms of the plan or filed record.

(ii) The facts may include:

(A) Any of the following that is available in a nationally recognized news or information medium either in print or electronically: Statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates, or similar economic or financial data;

(B) A determination or action by any person or body, including the nonprofit corporation or any other party to a plan or filed record; or

(C) The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or record.

(d) As used in this subsection:

(i) "Filed record" means a record filed by the secretary of state under any provision of the Uniform Business Organizations Code or any provision of this chapter except sections 1801 through 1811 of this act, except an annual report filed pursuant to section 1204 of this act; and

(ii) "Plan" means a plan of domestication, business conversion, entity conversion, distribution, or merger.

NEW SECTION. Sec. 1203. ELECTRONIC FILINGS. Any rules governing electronic filing adopted by the secretary of state under RCW 23.95.115(2) apply to all filings required or permitted under this chapter unless such rules, this chapter, or chapter 23.95 RCW specify otherwise.

NEW SECTION. Sec. 1204. ANNUAL REPORT. Each domestic nonprofit corporation, and each registered foreign nonprofit corporation, shall deliver to the secretary of state for filing an annual report as required under RCW 23.95.255(2).

NEW SECTION. Sec. 1205. MAJOR CHANGES BY CHARITABLE CORPORATIONS. (1) A charitable corporation shall report any action described in subsection (2) of this section on the next annual report that the charitable corporation delivers to the secretary of state for filing under section 1204 of this act, except as provided in subsection (3) of this section.

(2) The actions that create a reporting requirement under this section are:

(a) Amendment of the charitable corporation's articles to include one or more purposes of the corporation substantially different from any purpose stated in the charitable corporation's articles in effect before the amendment; or

(b) Operation of a significant program or activity that is substantially different from both:

(i) Programs or activities the charitable corporation has previously operated; and

(ii) Programs or activities described in the most recent application for recognition of exemption from federal income tax that the charitable corporation has filed with the internal revenue service and in response to which the internal revenue service has issued a determination letter of tax-exempt status to the charitable corporation.

(3) A charitable corporation is not required to report actions described in subsection (2) of this section:

(a) If the charitable corporation was a religious corporation both before and after it took the action;

(b) Within the charitable corporation's first three years of

existence, if all programs or activities the charitable corporation operates are consistent with the purposes set forth in the charitable corporation's articles; or

(c) When the charitable corporation operates a program or activity described in subsection (2)(b) of this section, if all funds expended to conduct such a program or activity are derived only from one or more of the following sources:

(i) Contributions or sales in response to one or more solicitations in which:

(A) The program or activity was clearly described; and

(B) A statement was made that implies that the corporation will apply any contribution, or proceeds from any sale, in connection with those solicitations toward the program or activity;

(ii) Admissions, performance of services, or furnishing of facilities;

(iii) Sales of goods not in connection with any solicitation;

(iv) Income from investments of the charitable corporation that is not subject to any gift restriction; or

(v) Revenue from any source that is recognized after the program or activity has been in continuous operation and disclosed to the general public for a period of at least three years.

(4) The secretary of state shall deliver to the attorney general a copy of every annual report filed by the secretary of state that includes a report described in this section.

NEW SECTION. Sec. 1206. POWERS OF SECRETARY OF STATE. The secretary of state has the powers reasonably necessary to perform the duties required by this chapter, including adoption, amendment, or repeal of rules under chapter 34.05 RCW for the efficient administration of this chapter.

NEW SECTION. Sec. 1207. FEES. The secretary of state may adopt rules in accordance with chapter 34.05 RCW setting fees for any services provided by the secretary of state under this chapter.

ARTICLE 3

INCORPORATION

NEW SECTION. Sec. 1301. INCORPORATORS. One or more individuals may act as the incorporators of a

nonprofit corporation by delivering articles of incorporation to the secretary of state for filing. Individuals acting as incorporators must be at least eighteen years old.

NEW SECTION. **Sec. 1302.** CORPORATE NAME. The name or any reserved name of a nonprofit corporation is governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1303.** ARTICLES OF INCORPORATION. (1) The articles of incorporation shall set forth:

(a) A name for the nonprofit corporation that satisfies the requirements of section 1302 of this act;

(b) The name and address of the corporation's initial registered agent;

(c) That the corporation is incorporated under this chapter;

(d) The purpose or purposes for which the corporation is organized;

(e) The number of directors constituting the initial board of directors, and the names and mailing addresses of the persons who are to serve as the initial directors;

(f) If the corporation will have members as defined in section 1102 of this act, a statement that the corporation will have members;

(g) The distribution of assets upon dissolution;

(h) The name and mailing address of each incorporator; and

(i) The signature of each incorporator.

(2) The articles of incorporation may set forth:

(a) A statement that the corporation has no members as defined in this chapter (whether or not the corporation uses the term "member" to define one or more classes of persons who are not members as defined in this chapter);

(b) The names of the initial members, if any;

(c) Provisions not inconsistent with law regarding:

(i) Managing the business and regulating the affairs of the corporation;

(ii) Defining, limiting, and regulating the powers of the corporation,

its board of directors, and the members, if any;

(iii) The characteristics, qualifications, rights, limitations, and obligations attaching to each or any class of members;

(d) A provision permitting or making obligatory indemnification of any individual made a party to a proceeding because the individual is or was a director against liability incurred in the proceeding, subject to the limitations set forth in section 2706 of this act;

(e) Provisions required if the corporation is to be exempt from taxation under federal, state, or local law; or

(f) Any other provision that this chapter specifically permits to be set forth in the articles or bylaws.

(3) The articles of incorporation need not set forth any of the corporate powers enumerated in this chapter.

(4) Provisions of the articles may be made dependent upon facts objectively ascertainable outside the articles in accordance with section 1202(3) of this act.

NEW SECTION. **Sec. 1304.** EFFECTIVENESS OF INCORPORATION. (1) Unless a delayed effective date is specified, the corporate existence begins on the date the articles are filed by the secretary of state.

(2) The filing of the articles by the secretary of state is conclusive proof that the incorporators satisfied all conditions precedent to incorporation except in a proceeding by this state to cancel or revoke the incorporation or involuntarily dissolve the nonprofit corporation.

NEW SECTION. **Sec. 1305.** REQUIREMENT OF REGISTERED AGENT. (1) Each nonprofit corporation shall designate and maintain a registered agent in this state.

(2) The designation and maintenance of a nonprofit corporation's registered agent are governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1306.** LIABILITY FOR PREINCORPORATION TRANSACTIONS. All persons purporting to act as or on behalf of a nonprofit corporation, knowing there was no incorporation under this chapter, are jointly and severally liable for all liabilities created while so acting.

NEW SECTION. Sec. 1307. ORGANIZATION OF CORPORATIONS. (1) After incorporation:

(a) The initial directors shall hold an organizational meeting at the call of a majority of the initial directors to complete the organization of the nonprofit corporation by appointing officers, adopting bylaws, and carrying on any other business brought before the meeting; and

(b) If the initial directors resign or refuse to meet, then the incorporator or incorporators shall hold a meeting at the call of a majority of the incorporators to elect a board of directors who shall complete the organization of the corporation.

(2) An organizational meeting may be held in or out of this state.

(3) The directors or incorporators may take organizational action without a meeting if the action taken is evidenced by one or more consents in the form of a record describing the action taken and executed by each director or incorporator.

NEW SECTION. Sec. 1308. BYLAWS. (1) The board shall adopt initial bylaws for the corporation.

(2) The bylaws may contain any provision for managing the activities and regulating the affairs of the corporation that is not inconsistent with law or the articles. Whenever a provision of the bylaws is inconsistent with a provision of the articles, the provision of the articles controls.

ARTICLE 4

PURPOSES, POWERS, AND LIMITATIONS

NEW SECTION. Sec. 1401. PURPOSES. (1) Nonprofit corporations may be organized under this chapter for the purpose of engaging in any lawful activity. A nonprofit corporation may set forth a more limited purpose or purposes in its articles.

(2) A charitable corporation formed on or after January 1, 2022, must be organized under this chapter, unless incorporating under this chapter is prohibited by another statute of this state.

(3) A corporation engaging in an activity that is subject to regulation under another statute of this state may incorporate under this chapter only if

incorporating under this chapter is not prohibited by the other statute. The corporation is subject to all the limitations of the other statute. Organizations subject to any provision of the banking or insurance laws of this state may not be organized under this chapter, except that any nonprofit corporation heretofore organized under any act hereby repealed and existing for the purpose of providing health care services as defined in RCW 48.44.010 or 48.46.020, as now or hereafter amended, continues to be organized under this chapter.

NEW SECTION. Sec. 1402. POWER TO MODIFY PURPOSES. (1) Unless otherwise prohibited by its articles or bylaws, a nonprofit corporation, including a charitable corporation, may modify its purposes by:

(a) Amending its articles or bylaws in accordance with this chapter and with those documents; and

(b) Making provision for any gift restrictions as defined in section 1502 of this act, either by ensuring continued adherence to those restrictions or by obtaining modification as provided in section 1503 of this act.

(2) A decision to modify the corporation's purposes is subject to judicial review only with respect to violations of this chapter or other applicable law.

NEW SECTION. Sec. 1403. GENERAL POWERS. Unless its articles provide otherwise, every nonprofit corporation has perpetual duration and has the same powers as an individual to do all things necessary or convenient to carry out its affairs including, without limitation, power to:

(1) Sue and be sued, complain and defend in its corporate name;

(2) Have a corporate seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it or in any other manner reproducing it;

(3) Make and amend bylaws and policies, not inconsistent with its articles or with the laws of this state, for managing and regulating the affairs of the corporation;

(4) Purchase, receive, lease, or otherwise acquire, and own, hold, improve, use, and otherwise deal with,

real or personal property, or any legal or equitable interest in property, wherever located;

(5) Sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property;

(6) Purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of, and deal in and with shares or other interests in, or obligations of, any other entity;

(7) Make contracts; make guarantees that may reasonably be expected to benefit, directly or indirectly, the guarantor corporation; incur liabilities; borrow money; issue notes, bonds, and other obligations; and secure any of its obligations by mortgage or pledge of any of its property or income;

(8) Lend money, invest and reinvest its funds, and receive and hold real and personal property as security for repayment, except as limited by section 2701 of this act;

(9) Be a promoter, partner, shareholder, member, trustee, associate, or manager of any partnership, joint venture, trust, or other entity;

(10) Conduct its activities, locate offices, and exercise the powers granted by this chapter within or without this state;

(11) Elect directors and appoint officers, employees, and agents of the corporation, define their duties, fix their compensation, and lend them money and credit, except as limited by sections 2701 and 2702 of this act;

(12) Pay pensions and establish pension plans, pension trusts, and benefit or incentive plans for any or all of its current or former directors, officers, employees, and agents, except as limited by section 2702 of this act;

(13) Make donations for charitable purposes;

(14) Impose dues, assessments, admission, and transfer fees on its members;

(15) Establish conditions for admission or removal of members, admit or remove members, and issue memberships;

(16) Carry on a business, and, subject to the requirements of sections 1406 and

2702 of this act, make net profits and accumulate reserves; and

(17) Make payments or donations, or do any other acts, not inconsistent with law, that further the purposes, activities, and affairs of the corporation.

NEW SECTION. Sec. 1404. EMERGENCY POWERS. (1) For purposes of this section, an emergency exists if a quorum of the directors cannot readily be assembled because of some catastrophic event. A catastrophic event is a sudden, natural or man-made situation where rapid change or destruction has occurred that has limited normal functions in daily living including communications and travel.

(2) In anticipation of and for the duration of an emergency, the board of a nonprofit corporation may:

(a) Modify lines of succession to accommodate the incapacity of any director, officer, employee, or agent; and

(b) Take those actions necessary to preserve the corporation and ensure that it acts in accordance with its purposes.

(3) During an emergency, unless the articles or bylaws provide otherwise:

(a) Notice of a meeting of the board need be given only to those directors it is practicable to reach and may be given in any practicable manner;

(b) The quorum required under section 2504 of this act or the articles or bylaws need not be established at such a meeting; and

(c) One or more officers of the nonprofit corporation present at a meeting of the board may be deemed to be directors for purposes of the meeting.

(4) In anticipation of and for the duration of an emergency, any meeting of the membership or of the board of directors may be conducted through one or more means of remote communication through which members or directors not physically present may simultaneously participate with each other during the meeting, notwithstanding any provision of the articles or bylaws that provides otherwise. A member or director participating in a meeting through such means in anticipation of and for the duration of an emergency is considered present in person at the meeting.

(5) Corporate action taken in good faith during an emergency to further the purposes and the ordinary affairs of the nonprofit corporation:

(a) Binds the corporation; and

(b) May not be used to impose liability on a director, officer, employee, or agent.

NEW SECTION. Sec. 1405. ULTRA VIRES ACTION. (1) Except as provided in subsection (2) of this section, the validity of corporate action may not be challenged on the ground that the nonprofit corporation lacks or lacked power to act.

(2) The power of a nonprofit corporation to act may be challenged:

(a) In a proceeding by the corporation, directly or through a receiver, trustee, or other legal representative, against an incumbent or former director, officer, employee, or agent of the corporation; or

(b) In a proceeding by the attorney general under section 3605 of this act.

NEW SECTION. Sec. 1406. DISTRIBUTIONS PROHIBITED. (1) A nonprofit corporation shall not distribute any property held for charitable purposes to its members, directors, officers, or other persons who are in a position to exercise substantial influence over the affairs of the corporation, except:

(a) As permitted under section 1407 of this act;

(b) To another entity that is a charitable corporation or is organized and operated exclusively for one or more charitable purposes; or

(c) To the federal government, a tribal government, or a state or local government for a public purpose.

(2) A nonprofit corporation shall not pay dividends or make distributions of any part of its assets, income, or profits to its members, directors, officers, or other persons who are in a position to exercise substantial influence over the affairs of the corporation, except as permitted under:

(a) Subsection (1)(b) or (c) of this section;

(b) Subsection (3) of this section;

(c) Section 1407 of this act; or

(d) Section 3502 of this act.

(3) A nonprofit corporation other than a charitable corporation may confer benefits upon or make transfers to members or nonmembers in conformity with its purposes, repurchase its memberships only to the extent provided in section 2114 of this act, or repay capital contributions, subject to the following conditions:

(a) Property held for charitable purposes may not be used to confer benefits upon or make transfers to members or nonmembers, repurchase memberships, or repay capital contributions;

(b) The nonprofit corporation may not be insolvent, and conferral of benefits, making of transfers, repurchase of memberships, or repayment of capital contributions shall not render the corporation insolvent or unable to carry out its purposes; and

(c) The fair value of the corporation's assets remaining after the conferring of benefits, making of transfers, repurchase, or repayment must be sufficient to meet the corporation's liabilities.

NEW SECTION. Sec. 1407. REASONABLE COMPENSATION PERMITTED. A nonprofit corporation, including a charitable corporation, may pay reasonable compensation to members, directors, or officers for services rendered, or reimburse reasonable expenses incurred by members, directors, or officers in connection with services rendered.

NEW SECTION. Sec. 1408. PROPERTY HELD FOR CHARITABLE PURPOSES. (1) Property owned by a nonprofit corporation is held for charitable purposes if:

(a) The corporation is a charitable corporation;

(b) The property is subject to restrictions contained in a gift instrument that limit its use only to one or more charitable purposes; or

(c) The property is subject to restrictions contained in the corporation's articles, bylaws, or any record adopted by the corporation's board, or to other limitations in the form of a record, that limit its use only to one or more charitable purposes.

(2) In no event may property held for charitable purposes be distributed in a

manner inconsistent with sections 1406, 3404, or 3502 of this act.

NEW SECTION. Sec. 1409. DEBT AND SECURITY INTERESTS. (1) A nonprofit corporation shall not issue bonds or other evidences of indebtedness except for cash or other property, tangible or intangible, or labor or services actually received by or performed for the corporation or for its benefit or in its formation or reorganization, or a combination thereof.

(2) The board may authorize a mortgage or pledge of, or the creation of a security interest in, all or any part of the property of the nonprofit corporation, or any interest therein. Unless otherwise provided in the articles or bylaws, the vote or consent of the members is not required to make effective such an action by the board.

NEW SECTION. Sec. 1410. PRIVATE FOUNDATIONS. (1) Except as provided in subsection (2) of this section, a nonprofit corporation that is a private foundation as defined in section 509(a) of the Internal Revenue Code shall:

(a) Distribute sufficient amounts for each taxable year at a time and in a manner so as not to subject the corporation to tax under section 4942 of the Internal Revenue Code;

(b) Not engage in any act of self-dealing as defined in section 4941(d) of the Internal Revenue Code;

(c) Not retain any excess business holdings as defined in section 4943(c) of the Internal Revenue Code;

(d) Not make any investments in a manner that subjects the corporation to tax under section 4944 of the Internal Revenue Code; and

(e) Not make any taxable expenditures as defined in section 4945(d) of the Internal Revenue Code.

(2) Subsection (1) of this section does not apply to a nonprofit corporation incorporated before January 1, 1970, that has been properly relieved from the requirements of section 508(e)(1) of the Internal Revenue Code by a timely judicial proceeding.

ARTICLE 5

GIFT RESTRICTIONS

NEW SECTION. Sec. 1501. UNRESTRICTED GIFTS. Giving a gift to a nonprofit

corporation, including a charitable corporation, without a gift instrument transfers complete ownership of the gift to the nonprofit corporation. A restricted gift to a nonprofit corporation is created only by a gift instrument.

NEW SECTION. Sec. 1502. RESTRICTED GIFTS. (1) This section distinguishes between:

(a) Enforceable trusts held by a nonprofit corporation, including a charitable corporation, governed under chapter 11.110 RCW; and

(b) Gift restrictions whose terms may be enforced and are subject to modification under this chapter or other applicable law.

(2) A gift to a nonprofit corporation, including a charitable corporation, does not create a charitable trust unless:

(a) The donor expresses an intent to create a charitable trust; and

(b) The trustee, which may be a charitable corporation, agrees in the form of a record to act as trustee of that trust according to its terms.

(3) Giving a gift to a nonprofit corporation, including a charitable corporation, that is: (a) Accepted by the corporation; (b) not in trust; and (c) subject to material restrictions or requirements contained in a gift instrument transfers complete ownership to the nonprofit corporation. The nonprofit corporation is bound by the material restrictions or requirements contained in the gift instrument.

(4) A nonprofit corporation complies with a term contained in a gift instrument if the nonprofit corporation reasonably complies with all material restrictions or requirements contained in the term, or, when appropriate under the facts and circumstances, seeks modification in accordance with section 1503 of this act.

(5) If the nonprofit corporation fails to comply with any material restriction or requirement contained in a gift instrument and fails to seek a modification in accordance with section 1503 of this act, then the attorney general may bring a proceeding to enforce the terms of the gift instrument.

NEW SECTION. Sec. 1503. MODIFICATION OR RELEASE OF GIFT RESTRICTIONS. (1) A

term of a gift instrument that binds a nonprofit corporation may be modified or released, in whole or in part:

(a) If the donor consents in a record;

(b) As set forth in subsection (2) of this section, if the term is unlawful, impracticable, impossible to achieve, or wasteful;

(c) For gift instruments limiting the use of property to one or more charitable purposes, through a binding agreement executed by the nonprofit corporation, the attorney general, and other interested parties, and filed with or approved by the court in accordance with section 1504 of this act;

(d) By approval of the court in accordance with section 1505 of this act; or

(e) As provided by other applicable law including, but not limited to, chapter 24.55 RCW.

(2) If a nonprofit corporation, including a charitable corporation, determines that a restriction contained in a gift instrument on the management, investment, or purpose of a gift is unlawful, impracticable, impossible to achieve, or wasteful, then the nonprofit corporation, sixty days after notification to the attorney general, may modify the restriction, in whole or part, if:

(a) The gift subject to the restriction has a total value consistent with RCW 24.55.045(4) (a) or any successor provision;

(b) More than twenty years have elapsed since the gift was given; and

(c) The nonprofit corporation uses the gift in a manner consistent with any charitable purposes expressed in the gift instrument.

(3) Application of sections 1501 through 1506 of this act to existing gifts:

(a) Before January 1, 2023, sections 1501 through 1506 of this act apply to gifts existing on December 31, 2021, only if the nonprofit corporation's board elects to apply sections 1501 through 1506 of this act to existing gifts before January 1, 2023.

(b) On or after January 1, 2023, sections 1501 through 1506 of this act apply to all gifts.

(c) As applied to gifts existing on December 31, 2021, sections 1501 through 1506 of this act govern only decisions made or actions taken on or after January 1, 2023, except that in the case of a nonprofit corporation that makes the election under (a) of this subsection sections 1501 through 1506 of this act govern decisions made or actions taken on or after the date the nonprofit corporation elects to be covered by sections 1501 through 1506 of this act.

NEW SECTION. **Sec. 1504.** BINDING AGREEMENT TO MODIFY OR RELEASE RESTRICTIONS. (1) If a gift instrument limits the use of the gift to one or more charitable purposes, and the conditions set forth in subsection (3) or (4) of this section are satisfied, then the gift instrument may be modified by agreement of the nonprofit corporation, the attorney general, and all other interested parties.

(2) For purposes of this section, an "interested party" does not include:

(a) The donor; or

(b) Any member of any charitable class that the gift would benefit, either before or after the modifications to be made by the agreement.

(3) A restriction related to a gift's management or investment may be modified by an agreement described in subsection (1) of this section if:

(a) Because of circumstances not anticipated by the donor, modification will further the charitable purpose of the gift;

(b) Enforcement of the restriction has become impracticable or wasteful; or

(c) Enforcement of the restriction impairs the management or investment of the gift.

(4) A restriction on the use of a gift relating to the gift's charitable purpose, rather than its management or investment, may be modified by an agreement described in subsection (1) of this section if the purpose becomes unlawful, impracticable, impossible to achieve, or wasteful.

(5) An agreement described in subsection (1) of this section must:

(a) Be in writing and executed by all of the parties;

(b) Be binding and conclusive on the nonprofit corporation and all other parties with a beneficial interest in the gift;

(c) Identify the gift instrument and the term or terms of the gift instrument that it modifies;

(d) Describe completely the modifications that it would make;

(e) Set forth the reasons why the modifications would comply with subsection (3) or (4) of this section; and

(f) State changes to the charitable purposes to which the use of the gift is limited, if any, resulting from the modifications.

(6) The nonprofit corporation or its legal representative may file the executed agreement with the court within thirty days of the agreement's execution by all parties. Upon filing of the executed agreement with the court:

(a) The agreement becomes effective and equivalent to a final court order binding on the nonprofit corporation and all other parties with a beneficial interest in the use of the gift, and

(b) The modifications are deemed approved by the court, and have the same effect as if the court ordered them pursuant to section 1505 of this act.

(7) The nonprofit corporation or its legal representative may, as an alternative to the procedure described in subsection (6) of this section, petition the court for a hearing for presentation of an agreement entered under this section to the court within twenty-one days of the agreement's execution by all parties. The nonprofit corporation shall (a) provide notice of the time and date of the hearing to each party to the agreement unless that party has waived notice in the form of a record, and (b) file proof of mailing or delivery of the notice or waiver with the court. At the hearing, the court shall review the agreement on behalf of all the parties. The court shall determine whether the agreement adequately represents and protects the interests of the parties and the public interest, and enter an order declaring its determination. If the court determines that the agreement does not adequately represent and protect those interests, then the agreement is void.

NEW SECTION. **Sec. 1505.** JUDICIAL MODIFICATION OR RELEASE OF RESTRICTIONS.

(1) Upon application by a corporation subject to a restriction related to a gift's management or investment, rather than to its charitable purpose, the court may modify the restriction if:

(a) Because of circumstances not anticipated by the donor, modification will further the charitable purpose of the gift;

(b) Enforcement of the restriction has become impracticable or wasteful; or

(c) Enforcement of the restriction impairs the management or investment of the gift.

(2) Upon application by a corporation subject to a restriction on the use of a gift relating to the charitable purpose of the gift, rather than its management or investment, the court may modify the restriction if the purpose becomes unlawful, impracticable, impossible to achieve, or wasteful.

(3) If the gift instrument provides for a forfeiture or gift-over to an alternative beneficiary, then the court may modify one or more restrictions under the procedure set out in subsection (1) of this section if a management or investment provision fails. The court may not, however, modify any restriction under the procedure set out in subsection (2) of this section to defeat the interest of an alternate beneficiary unless the beneficiary would also be subject to, and unable to perform, the term requiring modification. The alternative beneficiary is entitled to notice and may participate in the determination of whether to grant modification.

(4) Any modification made by the court must, to the extent possible, be made in a manner consistent with the charitable purposes as expressed in the gift instrument.

(5) A nonprofit corporation shall notify the attorney general whenever it seeks to modify a charitable gift restriction under this section and the court shall offer the attorney general an opportunity to be heard.

NEW SECTION. **Sec. 1506.** CHARITABLE PURPOSE SURVIVES. Modification or release of a gift restriction shall not allow a gift to be used for a purpose other than a charitable purpose.

ARTICLE 6**BOOKS AND RECORDS**

NEW SECTION. **Sec. 1601.** CORPORATE RECORDS. (1) A nonprofit corporation shall keep permanently a copy of the following records:

(a) Minutes of all meetings of its members and of its board of directors;

(b) A record of all actions taken by the members and board of directors by unanimous written consent; and

(c) A record of all actions taken on behalf of the corporation by a committee of the board.

(2) A nonprofit corporation shall keep a current copy of the following records:

(a) Its articles of incorporation or restated articles of incorporation and all amendments to them currently in effect;

(b) Its bylaws or restated bylaws and all amendments to them currently in effect;

(c) All communications in the form of a record to members generally within the past six years, including the financial statements furnished for the past six years under section 1604 of this act;

(d) A list of the names and business addresses of its current directors and officers; and

(e) Its most recent annual report delivered to the secretary of state under section 1204 of this act.

(3) A nonprofit corporation shall maintain appropriate accounting records.

(4) A membership corporation or its agent shall maintain a record of its members, in a form that permits preparation of a list of the names and addresses of all members, in alphabetical order by class, showing the number of votes each member is entitled to cast.

(5) A nonprofit corporation shall maintain its records in written form or in any other form of a record.

(6) All records required to be maintained by a nonprofit corporation may be maintained at any location within or without this state.

NEW SECTION. **Sec. 1602.** INSPECTION BY MEMBERS. (1) A member of a nonprofit corporation may inspect and copy, during regular business hours at a reasonable

location specified by the corporation, any of the records the corporation is required to maintain under section 1601(2) of this act, if the member delivers to the corporation an executed notice in the form of a record at least five business days before the date on which the member wishes to inspect and copy the records.

(2) Subject to the limitations set forth in subsections (3) and (4) of this section, a member of a nonprofit corporation may inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation, if the member delivers to the corporation an executed notice in the form of a record at least five business days before the date on which the member wishes to inspect and copy the records:

(a) Excerpts from those minutes and records required to be maintained under section 1601(1) of this act;

(b) Accounting records of the corporation described in section 1601(3) of this act; and

(c) Subject to section 1607 of this act, the membership list described in section 1601(4) of this act.

(3) A nonprofit corporation may withhold from inspection under this section:

(a) Those portions of records that contain information protected by the attorney-client privilege or related work product;

(b) The address of any member who is known to the corporation to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar program established by law;

(c) Those portions of records, which, if disclosed, would be reasonably likely to result in harm to the corporation or a third party, such as disciplinary actions involving nondirector members, identities of job applicants, discussions of strategic acquisitions, records that are required to be kept confidential under obligations to a third party, etc.; or

(d) Any information that a nonprofit corporation is required to keep confidential under any other law.

(4) A member may inspect and copy the records described in subsection (2) of this section only if the:

(a) Member's demand is made in good faith and for a proper purpose;

(b) Member describes with reasonable particularity the purpose and the records the member desires to inspect;

(c) Member agrees in the form of a record to reasonable restrictions required by the board on the use or distribution of the records; and

(d) Records are directly connected with this purpose.

(5) The right of inspection granted by this section may not be abolished or limited by a nonprofit corporation's articles or bylaws.

(6) This section does not affect the:

(a) Right of a member to inspect records as part of discovery in connection with litigation; or

(b) Power of any court of competent jurisdiction, independently of this chapter, to compel the production of corporate records for examination.

NEW SECTION. Sec. 1603. SCOPE OF MEMBER'S INSPECTION RIGHT. (1) A member's agent or attorney has the same inspection and copying rights as the member represented.

(2) The right to copy records under section 1602 of this act includes, if reasonable, the right to receive copies. Copies may be provided through electronic transmission unless the member requests otherwise in the form of a record.

(3) The nonprofit corporation may comply with a member's demand to inspect and copy the list of members under section 1602(2)(c) of this act by providing the member for a reasonable charge as described in subsection (4) of this section with a list of members that was compiled no earlier than the date of the member's demand.

(4) The nonprofit corporation shall provide a copy of its articles and bylaws at no cost to a member on request. The nonprofit corporation may impose a reasonable charge, covering the costs of labor and material, for copies of any other documents provided to the member. The charge may not exceed the estimated cost of production, reproduction, or transmission of the records.

NEW SECTION. Sec. 1604. FINANCIAL STATEMENTS FOR MEMBERS. (1) Except as provided in the articles or bylaws of a nonprofit corporation engaged in religious activity, upon a demand in the form of a record from a member, a corporation shall furnish that member with its latest annual financial statements, which may be consolidated or combined statements of the corporation and one or more of its subsidiaries, as appropriate, that include a balance sheet as of the end of the fiscal year and a statement of operations for the year. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, then the annual financial statements must also be prepared on that basis.

(2) If the annual financial statements are reported upon by a certified public accountant, then the accountant's report shall accompany them. If not, then the statements must be accompanied by a statement of the president or the person responsible for the nonprofit corporation's accounting records:

(a) Stating the reasonable belief of the president or other person as to whether the statements were prepared on the basis of generally accepted accounting principles and, if not, describing the basis of preparation; and

(b) Describing any respects in which the statements were not prepared on a basis of accounting consistent with the statements prepared for the preceding year.

NEW SECTION. Sec. 1605. COURT-ORDERED INSPECTION. (1) If a nonprofit corporation does not allow a member who complies with section 1602(1) of this act to inspect and copy any records required by that subsection to be available for inspection, then the court may summarily order inspection and copying of the records demanded at the corporation's expense upon application of the member.

(2) If a nonprofit corporation does not within a reasonable time allow a member to inspect and copy any other record to which the member is entitled under section 1602(2) of this act, then the member who complies with section 1602(3) and (4) of this act may apply to the court for an order to permit inspection and copying of the records demanded. The court may inspect the records in question *in camera* and determine the extent of required disclosure, if any, in light of

section 1602 of this act. In making that determination, the court shall consider the probability and extent of potential harm to the corporation or any third party that may result from inspection, and the probability and extent of benefit to the corporation or the member.

(3) If the court orders inspection and copying of the records demanded, then it shall also order the nonprofit corporation to pay the member's costs, including reasonable attorneys' fees, incurred to obtain the order, unless the corporation proves that it refused inspection in good faith because it had a reasonable basis for doubt about the right of the member to inspect the records demanded. If the court denies the majority of the request for inspection and copying, it may order the member to pay part or all of the nonprofit corporation's costs, including reasonable attorneys' fees.

(4) If the court orders inspection and copying of the records demanded, then it may impose reasonable restrictions on the use or distribution of the records by the demanding member.

NEW SECTION. **Sec. 1606.** INSPECTION BY DIRECTORS. (1) A director of a nonprofit corporation may inspect and copy the books, records, and documents of the corporation at any reasonable time to the extent reasonably related to the performance of the director's duties as a director, including duties as a member of a committee, but not for any other purpose or in any manner that would violate any duty to the corporation or law other than this chapter.

(2) The court may order inspection and copying of the books, records, and documents at the corporation's expense, upon application of a director who has been refused the inspection rights set out in subsection (1) of this section, unless the corporation establishes that the director is not entitled to those inspection rights.

(3) If an order is issued, then the court may include provisions protecting the nonprofit corporation from undue burden or expense, and prohibiting the director from using information obtained upon exercise of the inspection rights in a manner that would violate a duty to the corporation, and may also order the corporation to reimburse the director for the director's costs, including

reasonable attorneys' fees, incurred in connection with the application.

NEW SECTION. **Sec. 1607.** USE OF MEMBERSHIP LIST. (1) Without the consent of the board, a membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a member's interest as a member. Without limiting the generality of the foregoing, without the consent of the board, a membership list or any part thereof may not be:

(a) Used to solicit cash or other property unless the cash or other property will be used solely to solicit the votes of the members in an election to be held by the nonprofit corporation;

(b) Used for any commercial purpose; or

(c) Sold to or purchased by any person.

(2) Instead of making a membership list available for inspection and copying under sections 1601 through 1607 of this act, a nonprofit corporation may elect to proceed under the procedures set forth in section 2304(6) of this act.

ARTICLE 7

PUBLIC BENEFIT CORPORATIONS

NEW SECTION. **Sec. 1701.** PUBLIC BENEFIT DESIGNATION. (1) There is hereby established the special designation of "public benefit nonprofit corporation." A corporation may be designated as a public benefit nonprofit corporation if it meets the following requirements:

(a) The corporation complies with this chapter; and

(b) The corporation is currently recognized by the internal revenue service as an organization described in section 501(c)(3) of the Internal Revenue Code or is exempt from applying for that recognition under section 508(c) of the Internal Revenue Code.

(2) A temporary designation as a public benefit nonprofit corporation may be provided to a corporation that has applied to the internal revenue service for recognition of its status as an organization described in section 501(c)(3) of the Internal Revenue Code. The temporary designation is valid for up to one year and may be renewed at the discretion of the secretary of state.

(3) Designation of a corporation as a public benefit nonprofit corporation

does not alter the applicability to the corporation of any other provision of this chapter.

NEW SECTION. **Sec. 1702.** APPLICATION AND RENEWAL. (1) The secretary of state shall develop an application process for new and existing corporations to apply for public benefit nonprofit corporation status.

(2) Public benefit nonprofit corporation status must be renewed annually. The secretary of state may schedule renewals in conjunction with the corporation's annual report.

NEW SECTION. **Sec. 1703.** REMOVAL OF STATUS. The secretary of state may remove a corporation's public benefit nonprofit corporation designation if the corporation does not comply with this chapter or the internal revenue service revokes recognition of the corporation's status as an organization described in section 501(c)(3) of the Internal Revenue Code.

ARTICLE 8

FOREIGN CORPORATIONS

NEW SECTION. **Sec. 1801.** REGISTRATION TO DO BUSINESS. A foreign nonprofit corporation may not do business in this state until it registers with the secretary of state pursuant to chapter 23.95 RCW.

NEW SECTION. **Sec. 1802.** EFFECT OF REGISTRATION. (1) A foreign nonprofit corporation with a valid foreign registration statement has the same but no greater rights and has the same but no greater privileges as, and except as provided by this chapter is subject to the same duties, restrictions, penalties, and liabilities now or later imposed on, a domestic nonprofit corporation of like character.

(2) This chapter does not authorize this state to regulate the organization or internal affairs of a registered foreign nonprofit corporation.

(3) For those corporations that have a certificate of authority, are applying for, or intend to apply for a certificate of authority from the insurance commissioner as an insurance company under chapter 48.05 RCW, whenever under this chapter corporate records are required to be delivered to the secretary of state for filing, the records must be delivered to the insurance commissioner rather than the secretary of state.

NEW SECTION. **Sec. 1803.** NAME OF FOREIGN CORPORATION. (1) The name of a registered foreign nonprofit corporation, any name reserved by a registered foreign nonprofit corporation, or any alternate name adopted under RCW 23.95.525 is governed by chapter 23.95 RCW.

(2) A foreign nonprofit corporation not registered to do business in this state may register its name, or an alternate name adopted pursuant to RCW 23.95.525, under RCW 23.95.315.

NEW SECTION. **Sec. 1804.** REGISTERED AGENT OF FOREIGN CORPORATION. (1) Each registered foreign nonprofit corporation in this state shall designate and maintain a registered agent in this state.

(2) The designation and maintenance of a foreign nonprofit corporation's registered agent are governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1805.** SERVICE ON FOREIGN CORPORATION. (1) A registered foreign nonprofit corporation may be served with any process, notice, or demand required or permitted by law by serving its registered agent.

(2) Service upon a registered foreign nonprofit corporation made by serving its registered agent, or service on the registered foreign nonprofit corporation in the absence of a registered agent, is governed by chapter 23.95 RCW.

NEW SECTION. **Sec. 1806.** WITHDRAWAL OF REGISTRATION. A registered foreign nonprofit corporation may withdraw its registration by delivering a statement of withdrawal to the secretary of state for filing under RCW 23.95.530.

NEW SECTION. **Sec. 1807.** WITHDRAWAL UPON CONVERSION OR DISSOLUTION. (1) A registered foreign nonprofit corporation that converts to any type of domestic entity automatically is deemed to have withdrawn its registration on the effective date of the conversion.

(2) A registered foreign nonprofit corporation that has dissolved and completed winding up or has converted to a domestic or foreign entity not required to register under chapter 23.95 RCW or other law of this state shall deliver a statement of withdrawal to the secretary of state for filing under RCW 23.95.540.

(3) After the withdrawal of a foreign nonprofit corporation under this section

is effective, service of process in any action or proceeding based on a cause of action arising during the time the foreign nonprofit corporation was registered to do business in this state may be made pursuant to RCW 23.95.450.

NEW SECTION. Sec. 1808. AMENDMENT TO REGISTRATION UPON CONVERSION. A registered foreign nonprofit corporation that converts to a foreign for-profit corporation or to any form of foreign unincorporated entity that is required to register with the secretary of state to do business in this state shall deliver to the secretary of state for filing an amendment to its foreign registration statement under RCW 23.95.515.

NEW SECTION. Sec. 1809. TRANSFER OF REGISTRATION. (1) If a registered foreign nonprofit corporation merges into a nonregistered foreign entity or converts to a different type of foreign entity required to register to do business in this state, the foreign entity shall deliver to the secretary of state for filing an application for transfer of registration under RCW 23.95.545.

(2) If a registered foreign nonprofit corporation is a party to a statutory merger permitted by the laws of the jurisdiction where it is incorporated, and the corporation is the surviving corporation, it is not necessary for the corporation to register to do business or to amend its registration unless the corporation's name is changed.

NEW SECTION. Sec. 1810. TERMINATION OF REGISTRATION. The secretary of state may terminate the registration of a registered foreign nonprofit corporation under RCW 23.95.550:

(1) For any reason set forth in RCW 23.95.550(1);

(2) If the secretary of state receives a duly authenticated certificate from the secretary of state or other official having custody of corporate records in the state or country under whose law the foreign corporation is incorporated stating that it has been dissolved or did not survive a merger; or

(3) If the corporation has continued to exceed or abuse the authority conferred upon it by this chapter.

NEW SECTION. Sec. 1811. JUDICIAL REVIEW OF TERMINATION. (1) A foreign nonprofit corporation may appeal the

secretary of state's termination of its registration to the superior court of Thurston county within ninety days after service of the statement of termination is perfected. The foreign nonprofit corporation shall appeal by petitioning the court to set aside the termination and attaching to the petition copies of its statement of registration and the secretary of state's statement of termination.

(2) The court may summarily order the secretary of state to reinstate the registration or may take any other action the court considers appropriate.

(3) The court's final decision may be appealed as in other civil proceedings.

PART II

GOVERNANCE

ARTICLE 1

MEMBERS AND MEMBERSHIPS

NEW SECTION. Sec. 2101. MEMBERS. (1) A nonprofit corporation may have one or more classes of members or may have no members.

(2) For corporations formed on or after January 1, 2022, notwithstanding anything to the contrary in the bylaws, where the articles of a nonprofit corporation do not provide that it has members, the nonprofit corporation does not have members.

(3) For organizations formed before January 1, 2022, where the articles of a nonprofit corporation do not provide that it has members, the corporation has members only if the bylaws:

(a) Provide that the corporation has members; and

(b) Provide that members of at least one class have the right to select or vote for the election of directors or delegates or to vote on at least one type of fundamental transaction.

(4) Where a nonprofit corporation does not have members under this section, or where a corporation has no members entitled to vote on a given matter, any provision of this chapter or any other provision of law requiring notice to, the presence of, or the vote, consent, or other action by members in connection with that matter is satisfied by notice to, the presence of, or the vote, consent, or other action by the board.

NEW SECTION. **Sec. 2102.** SCOPE OF MEMBERSHIP. A person is not a member of a nonprofit corporation for purposes of any provision of this chapter unless the person meets the definition of "member" in section 1102 of this act, regardless of whether the corporation refers to or designates the person as a member.

NEW SECTION. **Sec. 2103.** ADMISSION OF MEMBERS. (1) The articles or bylaws of a membership corporation may establish criteria or procedures for admission of members.

(2) A person may not be admitted as a member without the person's consent. Consent may be express or implied and need not be in the form of a record.

(3) If a membership corporation provides certificates of membership to the members, then the certificates shall not be registered or transferable except as provided in the articles or bylaws or by resolution of the board.

NEW SECTION. **Sec. 2104.** CONSIDERATION FOR ADMISSION. Except as provided in its articles or bylaws, a membership corporation may admit members for no consideration or for consideration determined by the board, which may take any form, including promissory notes, intangible property, or past or future services. Payment of the consideration may be made at those times and upon those terms as are set forth in or authorized by the articles, bylaws, or a resolution of the board.

NEW SECTION. **Sec. 2105.** CAPITAL CONTRIBUTIONS. (1) A membership corporation that is not a charitable corporation may provide in its articles or bylaws that members, upon or after admission, shall make capital contributions. Except as provided in the articles or bylaws, the board shall fix the amount. The requirement of a capital contribution may apply to all members, or to the members of a single class, or to members of different classes in different amounts or proportions.

(2) The adoption or amendment of a capital contribution requirement, whether or not approved by the members, shall not apply to, or be an obligation of, a member who did not vote in favor of the adoption or amendment until thirty days after the member has been given notice of the adoption or amendment.

NEW SECTION. **Sec. 2106.** RIGHTS AND OBLIGATIONS. (1) The members of a

membership corporation have only those rights, privileges, powers, or obligations specifically given or assigned to members in the articles, the bylaws, or section 2313 of this act.

(2) A member shall not have the right to vote on any matter unless the articles, the bylaws, or section 2313(1) of this act provides expressly that the class of members to which that member belongs has the right to vote on that particular matter.

NEW SECTION. **Sec. 2107.** DIFFERENCES IN RIGHTS AND OBLIGATIONS. (1) Except as provided in the articles or bylaws, each member of a membership corporation has the same rights and obligations as every other member with respect to voting, dissolution, membership transfer, and other matters.

(2) If the corporation has one or more classes of members, then the designation of the class or classes, the articles, or the bylaws shall set forth the manner of election or appointment and the qualifications and rights of the members of each class.

NEW SECTION. **Sec. 2108.** TRANSFERS OF MEMBERSHIP. (1) Except as provided in the articles or bylaws or by resolution of the board, a member of a membership corporation may not transfer a membership or any right arising therefrom.

(2) Where the right to transfer a membership has been provided, a restriction on that right shall not be binding with respect to a member holding a membership issued before the adoption of the restriction unless the affected member consents to the restriction in the form of a record.

NEW SECTION. **Sec. 2109.** MEMBER'S LIABILITY FOR CORPORATE OBLIGATIONS. A member of a membership corporation is not personally liable for the acts, debts, liabilities, or obligations of the corporation.

NEW SECTION. **Sec. 2110.** MEMBER'S LIABILITY FOR DUES, FEES, AND ASSESSMENTS. (1) A membership corporation may levy dues, assessments, and fees on its members to the extent authorized in the articles or bylaws. Particular dues, assessments, and fees may be imposed in the articles or bylaws or by resolution of the board, subject to any membership approval required under section 3112(1) of this act, on members of the same class either alike or in

different amounts or proportions, and may be imposed on a different basis on different classes of members. Members of a class may be made exempt from dues, assessments, and fees to the extent provided in the articles or bylaws or by resolution of the board.

(2) The amount and method of collection of dues, assessments, and fees may be fixed in the articles or bylaws, or the articles or bylaws may authorize the board or members to fix the amount and method of collection, with or without approval of the class or classes of members affected.

(3) The articles or bylaws may provide reasonable means, such as termination and reinstatement of membership, to enforce the collection of dues, assessments, and fees.

NEW SECTION. Sec. 2111. CREDITOR'S ACTION AGAINST MEMBER. (1) A proceeding may not be brought by a creditor of a membership corporation to reach the liability, if any, of a member to the corporation unless final judgment has been rendered in favor of the creditor against the corporation and execution has been returned unsatisfied in whole or in part.

(2) All creditors of a membership corporation, with or without reducing their claims to judgment, may intervene in any creditor's proceeding brought under subsection (1) of this section to reach and apply unpaid amounts due the corporation. Any or all members who owe amounts to the corporation may be joined in the proceeding.

NEW SECTION. Sec. 2112. RESIGNATION OF MEMBER. (1) A member of a membership corporation may resign at any time.

(2) The resignation of a member does not relieve the member from any obligations incurred or commitments made before resignation.

NEW SECTION. Sec. 2113. TERMINATION AND SUSPENSION OF MEMBER. (1) A membership in a membership corporation may be terminated or suspended for the reasons and in the manner provided in the articles or bylaws.

(2) A membership in a membership corporation may also be terminated, regardless of the procedure set forth in the articles or bylaws, if:

(a) The corporation has had no contact from the member for at least three years; and

(b) Either:

(i) The member fails to respond within ninety days to a request from the corporation to update the member's contact information that includes a statement that failure to respond could result in termination of membership, delivered to that member by means reasonably likely to reach that member; or

(ii) A request from the corporation to update the member's contact information that includes a statement that failure to respond could result in termination of membership, sent to that member by first-class forwardable mail, with postage prepaid, is returned as undeliverable; or

(iii) If members, or a class of members, are not identified individually on the records of the corporation, a request from the corporation for members to provide contact information that includes a statement that failure to respond could result in termination of membership is published once a week for six consecutive weeks in a newspaper of general circulation in the county in which the corporation's principal office is located.

(3) Unless otherwise provided in the articles or bylaws, if the articles or bylaws allow the board or any other body to admit members, the affirmative vote of two-thirds of that body may terminate a member.

(4) Irrespective of anything to the contrary in the articles or bylaws, in any proceeding involving a corporation or upon application from the corporation, the court may order termination of a member of the corporation in the best interests of the corporation.

(5) A proceeding challenging a termination or suspension for any reason must be commenced within one year after the effective date of the termination or suspension.

(6) The termination or suspension of a member does not relieve the member from any obligations incurred or commitments made before the termination or suspension.

NEW SECTION. Sec. 2114. REPURCHASE OF MEMBERSHIPS. A membership corporation that is not a charitable corporation may

repurchase any of its memberships or any right arising therefrom only if it is so provided in the articles or bylaws. A membership corporation that is a charitable corporation may not repurchase any of its memberships or any right arising therefrom.

ARTICLE 2

DELEGATES

NEW SECTION. Sec. 2201. DELEGATES.

(1) A membership corporation may provide in its articles or bylaws for delegates.

(2) The articles or bylaws may set forth provisions relating to:

(a) The characteristics, qualifications, rights, limitations, and obligations of delegates including their selection and removal;

(b) Calling, noticing, holding, and conducting meetings of delegates; and

(c) Carrying on activities during and between meetings of delegates.

(3) If the articles or bylaws provide for delegates, then, unless otherwise provided in the articles or bylaws:

(a) The power to appoint, remove, or modify any provision of the articles or bylaws governing the appointment or removal of delegates is reserved to the members.

(b) All other powers of members including, but not limited to, the right to vote on other amendments to articles or bylaws, may be exercised by delegates.

ARTICLE 3

MEMBERSHIP MEETINGS AND VOTING

NEW SECTION. Sec. 2301. ANNUAL AND REGULAR MEETINGS. (1) A membership corporation shall hold an annual meeting of members once during each fiscal year at a time stated in or fixed in accordance with the articles or bylaws.

(2) A membership corporation may hold regular meetings on a regional or other basis at times stated in or fixed in accordance with the articles or bylaws.

(3) Except as provided in subsection (5) of this section, annual and regular meetings of the members may be held in or out of this state at the place stated in or fixed in accordance with the articles or bylaws. If no place is stated in or fixed in accordance with the articles or bylaws, then annual and regular meetings

shall be held at the membership corporation's principal office.

(4) The failure to hold an annual or regular meeting at the time stated in or fixed in accordance with the articles or bylaws does not affect the validity of any corporate action.

(5) The articles or bylaws may provide that an annual or regular meeting of members may be held in a specified location and, if so provided under the articles or bylaws, through one or more means of remote communication through which members not physically present may participate in the meeting substantially concurrently, vote on matters submitted to the members, pose questions, and make comments. For any meeting at which one or more members may participate by means of remote communication, the corporation shall deliver notice of the meeting to each member by a means which the member has authorized and provide complete instructions for participating in the meeting by remote communication.

NEW SECTION. Sec. 2302. SPECIAL MEETINGS. (1) A membership corporation shall hold a special meeting of members:

(a) At the call of its board of directors, the president, or the persons authorized to do so by the articles or bylaws; or

(b) Upon the execution and delivery to the corporation of one or more demands for a special meeting, in the form of a record, describing the purpose for which the meeting is to be held, by either:

(i) The number or proportion of members entitled under the articles or bylaws to call a meeting on the subject matter proposed to be considered at the proposed special meeting, which shall not represent more than twenty-five percent of all the votes entitled to be cast on that subject matter; or

(ii) In the absence of a provision fixing the number or proportion of members entitled to call a meeting, the number or proportion of members representing five percent of all the votes entitled to be cast on the subject matter proposed to be considered at the proposed special meeting.

(2) Unless otherwise provided in the articles or bylaws, a demand for a special meeting may be revoked by notice to that effect received by the membership corporation from the members calling the

meeting before the receipt by the corporation of demands sufficient in number to require the holding of a special meeting.

(3) If not otherwise fixed under section 2303 or 2307 of this act, the record date for determining members entitled to demand a special meeting is the date the first member executes a demand.

(4) Only business within the purpose or purposes described in the meeting notice required by section 2305(3) of this act may be conducted at a special meeting of the members.

(5) Except as provided in subsection (6) of this section, special meetings of the members may be held in or out of this state at the place stated in or fixed in accordance with the articles or bylaws. If no place is stated or fixed in accordance with the articles or bylaws, then special meetings shall be held at the corporation's principal office.

(6) The articles or bylaws may provide that a special meeting of members be held at a specified location and, unless otherwise provided under the articles or bylaws, through means of remote communication through which members not physically present may participate in the meeting substantially concurrently, vote on matters submitted to the members, pose questions, and make comments. Notice of meetings at which one or more members may participate by means of remote communication must be delivered by a means which the member has authorized and provide complete instructions for participating in the meeting from a remote location.

NEW SECTION. Sec. 2303. COURT-ORDERED MEETING. (1) The court may summarily order a meeting to be held:

(a) On application of any member entitled to participate in an annual or regular meeting if an annual meeting was not held within eighteen months after the last annual meeting; or

(b) On application of a member who executed a demand for a special meeting under section 2302 of this act that was executed by a sufficient number of members to call a meeting, if:

(i) Notice of the special meeting was not given within thirty days after the date the demand was delivered to the corporation's secretary; or

(ii) The special meeting was not held in accordance with the notice.

(2) The court may fix the time and place of a court-ordered meeting, determine the members entitled to participate in the meeting, specify a record date for determining members entitled to notice of and to vote at the meeting, prescribe the form and content of the meeting notice, fix the quorum required for specific matters to be considered at the meeting or direct that the votes represented at the meeting constitute a quorum for action on those matters, and enter other orders necessary to accomplish the purpose or purposes of the court-ordered meeting.

NEW SECTION. Sec. 2304. LIST OF MEMBERS FOR MEETING. (1) After fixing a record date for a meeting, a membership corporation shall prepare an alphabetical list of the names of all its members who are entitled to notice of that meeting of the members. The list of members shall show the address of and number of votes each member is entitled to cast at the meeting, except that the address of any member who is known to the corporation to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar law may be omitted.

(2) The list of members must be available for inspection by any member, beginning two business days after notice of the meeting is given for which the list was prepared and continuing through the meeting, at the membership corporation's principal office or at a place identified in the meeting notice in the city where the meeting will be held. A member or the member's agent, on demand in the form of a record, may inspect and, subject to the requirements of section 1602(4) of this act, copy the list, during regular business hours and at the member's expense, during the period it is available for inspection.

(3) The membership corporation shall make the list of members available at the meeting, and a member or the member's agent may inspect the list at any time during the meeting or any adjournment.

(4) If a membership corporation refuses to allow a member or the member's agent to inspect the list of members before or at the meeting or copy the list as permitted by subsection (2) of this section, then the court, on application of the member, may:

(a) Summarily order the inspection or copying at the corporation's expense;

(b) Postpone the meeting for which the list was prepared until the inspection or copying is complete;

(c) Order the corporation to pay the member's costs including reasonable attorneys' fees incurred to obtain the order; and

(d) Order other appropriate relief.

(5) Refusal or failure to prepare or make available the list of members does not affect the validity of action taken at the meeting.

(6) Instead of making the list of members available as provided in subsection (2) of this section, a membership corporation may state in a notice of meeting that the corporation has elected to proceed under this subsection. A member of a corporation that has elected to proceed under this subsection shall state in the member's demand for inspection a proper purpose for inspection. Within ten business days after receiving a demand under this subsection, the corporation shall deliver to the member making the demand an offer of a reasonable alternative method of achieving the purpose identified in the demand without providing access to or a copy of the list of members. An alternative method that reasonably and in a timely manner accomplishes the proper purpose set forth in the demand relieves the corporation from making the list of members available under subsection (4)(b) of this section, unless within a reasonable time after acceptance of the offer the corporation fails to do the things it offered to do. Any rejection of the corporation's offer must be in the form of a record and indicate the reasons the alternative proposed by the corporation does not meet the proper purpose of the demand.

NEW SECTION. Sec. 2305. NOTICE OF MEMBERSHIP MEETING. (1) A membership corporation shall give notice to the members of the date, time, and place of each annual, regular, or special meeting of the members. Except as provided under subsection (6) of this section, the notice must be given in the form of a record no fewer than ten nor more than sixty days before the meeting date. Except as provided in this chapter, the articles, or the bylaws, the corporation is only required to give notice to members entitled to vote at the meeting.

(2) Unless this chapter, the articles, or the bylaws require otherwise, notice of an annual or regular meeting need not include a description of the purpose for which the meeting is called.

(3) Notice of a special meeting shall include a description of the purpose for which the meeting is called.

(4) If not otherwise fixed under section 2303 or 2307 of this act, the record date for determining members entitled to notice of and to vote at an annual or special meeting of the members is the day before the first notice is given to members.

(5) Unless the articles or bylaws require otherwise, if an annual, regular, or special meeting of the members is adjourned to a different date, time, or place, notice need not be given of the new date, time, or place if the new date, time, or place is announced at the meeting before adjournment. If a new record date for the adjourned meeting is or is required to be fixed under section 2307 of this act, then the corporation shall give notice of the adjourned meeting to the members entitled to vote on the new record date.

(6) Notice of regular meetings other than the annual meeting may be made by providing each member with the adopted schedule of regular meetings for the ensuing year in the form of a record at any time after the annual meeting and ten days before the next succeeding regular meeting and at any time requested by a member or by any other notice prescribed by the bylaws.

(7) Whenever notice would otherwise be required to be given under any provision of this chapter to a member, the notice need not be given if notice of two consecutive annual meetings, and all notices of meetings during the period between those two consecutive annual meetings, have been returned undeliverable or could not be delivered. If a member delivers to the nonprofit corporation a notice setting forth the member's then current address, then the requirement that notice be given to that member is reinstated.

NEW SECTION. Sec. 2306. WAIVER OF NOTICE. (1) A member may waive any notice required by this chapter, the articles, or the bylaws no more than sixty days before or sixty days after the date and time stated in the notice or of the meeting or action. The waiver must be

in the form of a record, be executed by the member entitled to the notice, and be delivered to the membership corporation for inclusion in the minutes or filing with the corporate records.

(2) The attendance of a member at a meeting:

(a) Waives objection to lack of notice or defective notice of the meeting, unless the member at the beginning of the meeting or immediately upon arrival at the meeting objects to holding the meeting or transacting business at the meeting; and

(b) Waives objection to consideration of a particular matter at the meeting that is not within the purpose described in the meeting notice, unless the member objects at the meeting to considering the matter.

NEW SECTION. Sec. 2307. RECORD DATE.

(1) The articles or bylaws may fix or provide the manner of fixing the record date to determine the members entitled to notice of a meeting of the members, to demand a special meeting, to vote, or to take any other action. If the articles or bylaws do not fix or provide for fixing a record date, then the board of the membership corporation may fix a future date as the record date.

(2) A record date fixed under this section may not be more than seventy days before the meeting or action requiring a determination of members.

(3) A determination of members entitled to notice of or to vote at a meeting of the members is effective for any adjournment of the meeting unless the board fixes a new record date, which it shall do if the meeting is adjourned to a date more than one hundred twenty days after the date fixed for the original meeting.

(4) If the court orders a meeting adjourned to a date more than one hundred twenty days after the date fixed for the original meeting, then it may provide that the original record date continues in effect or it may fix a new record date.

NEW SECTION. Sec. 2308. CONDUCT OF MEETING. (1) At each meeting of members, an individual shall preside as chair. The chair is appointed and may be removed:

(a) As provided in the articles or bylaws;

(b) In the absence of a provision in the articles or bylaws, by the board; or

(c) In the absence of both a provision in the articles or bylaws and an appointment by the board, by the members at the meeting.

(2) Except as provided in the articles or bylaws or by resolution of the board, the chair determines the order of business and has the authority to establish rules for the order and conduct of the meeting.

(3) Any rules established for the order and conduct of the meeting pursuant to subsection (2) of this section must be fair to the members.

(4) Except as provided in the articles or bylaws or by resolution of the board:

(a) The chair of the meeting shall announce at the meeting when the polls close for each matter voted upon.

(b) If no announcement is made, then the polls are deemed to have closed upon the final adjournment of the meeting.

(c) After the polls close, no ballots, proxies, or votes, nor any otherwise permissible revocations or changes thereto may be accepted.

NEW SECTION. Sec. 2309. PROXIES. (1) Except as provided in the articles or bylaws, a member may not vote by proxy.

(2) If the articles or bylaws allow members to vote by proxy, then the following procedure applies unless the articles or bylaws provide otherwise:

(a) A member or the member's agent or attorney-in-fact may appoint a proxy to vote or otherwise act for the member by executing an appointment form in the form of a record. An appointment form must contain or be accompanied by information from which it can be determined that the member or the member's agent or attorney-in-fact authorized the appointment of the proxy.

(b) An appointment of a proxy is effective when an executed appointment in the form of a record is received by the inspectors of election, the officer or agent of the membership corporation authorized to tabulate votes, or the secretary. An appointment is valid for eleven months unless a shorter or longer period is expressly provided in the appointment form.

(c) The death or incapacity of the member appointing a proxy does not affect the right of the membership corporation to accept the proxy's authority unless notice of the death or incapacity is received by the inspectors of election, the officer or agent authorized to tabulate votes, or the secretary before the proxy exercises his or her authority under the appointment.

(d) A membership corporation may accept the proxy's vote or other action as that of the member making the appointment, subject to section 2314 of this act and to any express limitation on the proxy's authority stated in the appointment form.

(e) A proxy may be revoked by a member by delivering notice in the form of a record to the corporation before the corporation has relied upon the proxy.

NEW SECTION. Sec. 2310. VOTING ENTITLEMENT OF MEMBERS. Except as provided in the articles or bylaws, each member is entitled to one vote on each matter on which the articles or bylaws entitle the members of the class of members to which the member belongs to vote.

NEW SECTION. Sec. 2311. MEMBERSHIP QUORUM AND VOTING REQUIREMENTS. (1) Members may take action at a meeting on matters with respect to which all of the members are entitled to vote only if a quorum of the members is present. Except as provided in the articles or the bylaws, ten percent of the votes entitled to be cast at a meeting of the members constitutes a quorum with respect to those matters.

(2) Members entitled to vote as a separate voting group may take action on a matter at a meeting only if a quorum of those members is present with respect to that matter. Except as provided in the articles or bylaws, ten percent of the votes entitled to be cast on the matter by the voting group constitutes a quorum of that voting group for action on that matter.

(3) Once a member is represented for any purpose at a meeting, the member is deemed present for quorum purposes for the remainder of the meeting and for any adjournment of that meeting unless a new record date is or is required to be set for that adjourned meeting.

(4) If a quorum is present, then action on a matter other than the election of

directors by a voting group is approved if the votes cast within the voting group favoring the action exceed the votes cast opposing the action, unless the articles, bylaws, or applicable law require a greater number of affirmative votes.

(5) An amendment of the articles or bylaws adding, changing, or deleting a quorum or voting requirement for a voting group greater than specified in subsection (2) or (4) of this section is governed by section 2312 of this act.

(6) If a meeting cannot be organized because a quorum of members entitled to vote is not present, then those members present may adjourn the meeting to such a time and place as they may determine. When a meeting that has been adjourned for lack of a quorum is reconvened, those members present, although less than a quorum as fixed in this section, the articles, or the bylaws, nonetheless constitute a quorum, if notice of the time and place of the reconvened meeting is provided by electronic transmission or in person to the members entitled to vote at least twenty-four hours before the reconvened meeting, or by other methods pursuant to the requirements and procedures set forth in section 2305 of this act. The articles or the bylaws may, however, permit the reconvening of a meeting without notice, by means of a provision that makes explicit reference to elimination of the notice requirement that would otherwise apply under this section.

(7) The election of directors is governed by section 2313 of this act.

NEW SECTION. Sec. 2312. DIFFERING QUORUM AND VOTING REQUIREMENTS. (1) The articles or bylaws may provide for a higher or lower quorum or higher voting requirement for members or voting groups of members than is provided for by this chapter, either generally or with respect to specific matters.

(2) An amendment to the articles or bylaws that adds, changes, or deletes a greater quorum or voting requirement must meet the same quorum requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect.

NEW SECTION. Sec. 2313. VOTING FOR DIRECTORS. (1) Except as provided in the articles or bylaws, directors of a membership corporation are elected by a plurality of the votes cast by the

members entitled to vote in the election at a meeting at which a quorum is present.

(2) Except as provided in the articles or bylaws, or under subsection (3) of this section, members do not have a right to cumulate their votes for directors.

(3) Members of a nonprofit corporation who were entitled to cumulate their votes for the election of directors on the effective date of this chapter continue to be entitled to cumulate their votes for the election of directors until otherwise provided in the articles or bylaws of the corporation.

NEW SECTION. Sec. 2314. ACCEPTANCE OF BALLOTS, CONSENTS, WAIVERS, OR PROXIES. (1) If the name signed on a ballot, consent, waiver, or proxy appointment corresponds to the name of a member, then the membership corporation if acting in good faith may accept the ballot, consent, waiver, or proxy appointment and give it effect as the act of the member.

(2) If the name signed on a ballot, consent, waiver, or proxy appointment does not correspond to the name of its member, then the membership corporation if acting in good faith is nevertheless entitled to accept the ballot, consent, waiver, or proxy appointment and give it effect as the act of the member if:

(a) The member is an entity and the name signed purports to be that of an officer or agent of the entity;

(b) The name signed purports to be that of an administrator, executor, guardian, or conservator representing the member and, if the corporation requests, evidence of fiduciary status acceptable to the corporation has been presented with respect to the ballot, consent, waiver, or proxy appointment;

(c) The name signed purports to be that of a receiver or trustee in bankruptcy of the member and, if the corporation requests, evidence of this status acceptable to the corporation has been presented with respect to the ballot, consent, waiver, or proxy appointment;

(d) The name signed purports to be that of a beneficial owner or attorney-in-fact of the member and, if the corporation requests, evidence acceptable to the corporation of the signatory's authority to sign for the member has been presented

with respect to the ballot, consent, waiver, or proxy appointment; and

(e) Two or more persons are the member as cotenants or fiduciaries and the name signed purports to be the name of at least one of the co-owners and the person signing appears to be acting on behalf of all the co-owners.

(3) The membership corporation may reject a ballot, consent, waiver, or proxy appointment if the secretary or other officer or agent authorized to tabulate votes, acting in good faith, has reasonable basis for doubt about the validity of the signature on it or about the signatory's authority to sign for the member.

(4) The membership corporation and its officer or agent who accepts or rejects a ballot, consent, waiver, or proxy appointment in good faith and in accordance with the standards of this section or section 2309(2) of this act are not liable in damages to the member for the consequences of the acceptance or rejection.

(5) Corporate action based on the acceptance or rejection of a ballot, consent, waiver, or proxy appointment under this section is valid unless the court determines otherwise.

NEW SECTION. Sec. 2315. INSPECTORS OF ELECTION. (1) A membership corporation may appoint one or more inspectors to act at a meeting of members and make a report in the form of a record of the inspectors' determinations. Each inspector shall execute the duties of inspector impartially and according to the best of the inspector's ability.

(2) The inspectors must:

(a) Ascertain the number of members and delegates, and their voting power;

(b) Determine the members and delegates present at a meeting;

(c) Determine the validity of proxies and ballots;

(d) Count all votes; and

(e) Determine the result.

(3) An inspector may, but need not, be a director, member, officer, or employee of the membership corporation. A person who is a candidate for office to be filled at the meeting may not be an inspector.

NEW SECTION. **Sec. 2316.** ACTION BY VOTING GROUPS. (1) If this chapter, the articles, or the bylaws provide for voting by a single voting group on a matter, then action on that matter is taken when voted upon by that voting group as provided in section 2311 or 2318 of this act.

(2) If this chapter, the articles, or the bylaws provide for voting by two or more voting groups on a matter, then action on that matter is taken only when voted upon by each of those voting groups counted separately as provided in section 2311 or 2318 of this act.

NEW SECTION. **Sec. 2317.** VOTING AGREEMENTS. (1) If the articles or bylaws allow voting agreements, then two or more members may provide for the manner in which they will vote by executing an agreement in the form of a record for that purpose, to the extent allowed under the articles or bylaws.

(2) A voting agreement is specifically enforceable if:

(a) The voting agreement is allowed under the articles or bylaws; or

(b) The effective date of the voting agreement is before the effective date of this section.

(3) Notwithstanding subsection (2) of this section, no voting agreement is enforceable to the extent that enforcement of the agreement would violate the purposes of the membership corporation.

NEW SECTION. **Sec. 2318.** ACTION WITHOUT MEETING BY UNANIMOUS WRITTEN CONSENT. (1) Except as provided in the articles or bylaws, action required or permitted by this chapter to be taken at a meeting of the members may be taken without a meeting if the action is taken by all the members entitled to vote on the action. The action must be evidenced by one or more consents in the form of a record bearing the date of execution and describing the action taken, executed by all the members entitled to vote on the action, and delivered to the membership corporation for inclusion in the minutes or filing with the corporate records.

(2) If not otherwise fixed under section 2303 or 2307 of this act, the record date for determining members entitled to take action without a meeting is the date the first member executes the consent under subsection (1) of this

section. A consent shall not be effective to take the corporate action referred to therein unless, within sixty days after the earliest date appearing on a consent delivered to the membership corporation in the manner required by this section, consents executed by all members entitled to vote on the action are received by the corporation. A consent may be revoked by an executed notice in the form of a record to that effect received by the corporation before receipt by the corporation of unrevoked consents sufficient in number to take corporate action.

(3) A consent executed under this section has the same force and effect as a unanimous vote at a meeting duly called and held, and may be described as such.

(4) If this chapter, the articles, or the bylaws require that prior notice of any proposed action be given to members not entitled to vote on the action and the action is to be taken by consent of the members entitled to vote, then the membership corporation shall deliver to the members not entitled to vote notice of the proposed action at least ten days before taking the action by consent. The notice must contain or be accompanied by the same material that would have been required to be delivered to members not entitled to vote in a notice of meeting at which the proposed action would have been submitted to the members for action.

NEW SECTION. **Sec. 2319.** ACTION WITHOUT MEETING BY BALLOT. (1) Except as otherwise restricted by the articles or bylaws, any action that may be taken at any annual, regular, or special meeting of members may be taken without a meeting if the membership corporation delivers a ballot to every member entitled to vote on the matter.

(2) A ballot must:

(a) Be in the form of a record;

(b) Set forth each proposed action;

(c) Provide an opportunity to vote, or withhold a vote, separately for each candidate for a director position; and

(d) Provide an opportunity to vote for or against each other proposed action.

(3) Approval by ballot pursuant to this section of action other than election of directors is valid only when the number of ballots returned equals or exceeds the quorum required to be present at a meeting authorizing the action, and

the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot.

(4) All requests for votes by ballot must:

(a) Indicate the number of responses needed to meet the quorum requirements;

(b) State the percentage of approvals necessary to approve each matter other than election of directors; and

(c) Specify the time by which a ballot must be received by the membership corporation to be counted, which shall not be less than ten days after the ballot is delivered to the member.

(5) Except as provided in the articles or bylaws, a ballot may not be revoked.

NEW SECTION. Sec. 2320. PROCEDURE FOR REMOTE MEETINGS. When provided for in the articles or bylaws, meetings of the members held by remote communication must follow the provisions of sections 2301 through 2319 of this act to the greatest practicable extent.

ARTICLE 4

BOARD OF DIRECTORS

NEW SECTION. Sec. 2401. BOARD OF DIRECTORS—AUTHORITY. (1) A nonprofit corporation shall have a board of directors.

(2) All corporate powers shall be exercised by or under the authority of the board of directors, and the activities and affairs of the corporation shall be managed by or under the direction, and subject to the oversight, of the board of directors, subject only to any powers expressly reserved to the corporation's membership or other persons in the articles or bylaws.

NEW SECTION. Sec. 2402. STANDARDS OF CONDUCT FOR DIRECTORS. (1) Each director, when discharging the duties of a director, shall act:

(a) In good faith;

(b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(c) In a manner the director reasonably believes to be in the best interests of the nonprofit corporation.

(2) In discharging board or committee duties a director shall disclose, or cause to be disclosed, to the other board or committee members information not already known by them but known by the director to be material to the discharge of their decision-making or oversight functions, except that disclosure is not required to the extent that the director reasonably believes that doing so would violate a duty imposed by law, a legally enforceable obligation of confidentiality, or a professional ethics rule.

(3) In discharging the duties of a director, a director may rely on information, opinions, reports, or statements, including financial statements or other financial data, if prepared or presented by:

(a) One or more officers, employees, or volunteers of the nonprofit corporation whom the director reasonably believes to be reliable and competent in the functions performed or the matters presented;

(b) Legal counsel, public accountants, or other persons retained by the corporation as to matters involving skills or expertise the director reasonably believes are matters:

(i) Within the particular person's professional or expert competence; or

(ii) As to which the particular person merits confidence; or

(c) A committee of the board of which the director is not a member, designated in accordance with provisions of the articles or bylaws, as to matters within its designated authority, if the director reasonably believes the committee merits confidence.

(4) A director is not a trustee with respect to the nonprofit corporation or with respect to any property held or administered by the corporation, including property that may be subject to restrictions imposed by the donor or transferor of the property.

NEW SECTION. Sec. 2403. QUALIFICATION OF DIRECTORS. A director of a nonprofit corporation must be an individual. The articles or bylaws may prescribe other qualifications for directors. A director need not be a resident of this state or a member of the corporation unless the articles or bylaws so prescribe.

NEW SECTION. Sec. 2404. NUMBER OF DIRECTORS. (1) A board of directors shall consist of one or more directors, with the number specified in or fixed in accordance with the articles or bylaws.

(2) The board of directors of any corporation shall consist of three or more directors if:

(a) The internal revenue service has determined the corporation to be a public charity described in section 509(a)(1) through (4) of the Internal Revenue Code;

(b) The corporation has applied to the internal revenue service for a determination of exempt status through an application representing that the corporation is described in section 509(a)(1) through (4) of the Internal Revenue Code; or

(c) The corporation has applied to the internal revenue service for classification as an organization described in section 509(a)(1) through (4) of the Internal Revenue Code.

(3) The number of directors on a board of directors who are under 18 years of age may not exceed three or one-third of the total number of directors then in office, whichever is fewer.

(4) A corporation described in subsection (2) of this section may have fewer than three directors if the death, incapacity, resignation, or removal of a director causes the corporation to have fewer than three directors, provided that the entity, body, or person with the power to elect or appoint directors makes reasonable and prompt efforts to elect or appoint additional directors.

(5) The number of directors may be increased or decreased but to no fewer than one from time to time by amendment to, or in the manner provided in, the articles or bylaws.

(6) A decrease in the number of directors may not shorten an incumbent director's term.

NEW SECTION. Sec. 2405. SELECTION OF DIRECTORS. (1) The members of a membership corporation shall elect the directors, other than the initial directors named in the articles, at the annual meetings of members, unless the articles or bylaws provide some other time or method of election, or provide that some other person or persons shall appoint some or all of the directors, or designate some other manner of

appointment, for example, ex officio directors.

(2) The directors of a nonmembership corporation shall elect the directors, other than the initial directors named in the articles, at the annual meeting of directors, unless the articles or bylaws provide some other time or method of election, or provide that some other person or persons shall appoint some or all of the directors, or designate some other manner of appointment, for example, ex officio directors.

NEW SECTION. Sec. 2406. TERMS OF DIRECTORS, GENERALLY. (1) The articles or bylaws may specify the terms of directors. If a term is not specified in the articles or bylaws, then the term of a director is one year. Each term of a director elected by the members or directors, or by some other method provided in the articles or bylaws, may not exceed five years except as provided in subsection (2) of this section. Terms of directors appointed by some other person or persons, or designated in some other manner, may be of any length.

(2) For a corporation formed before the effective date of this section, if the articles or bylaws current as of the effective date of this section provided for terms of elected directors longer than five years, then the terms for elected directors provided in those articles or bylaws may continue in effect until and unless the articles or bylaws are amended to shorten those terms.

(3) The initial directors named in the articles hold office until the first annual election of directors or for any other period specified in the articles.

(4) A reduction in directors' terms of office does not shorten an incumbent director's term.

(5) Except as provided in the articles or bylaws, the term of a director elected to fill a vacancy expires at the end of the unexpired term that the director is filling.

(6) Despite the expiration of a director's term, the director continues to serve until the director's successor is elected, appointed, or designated and until the director's successor takes office, unless otherwise provided in the articles or bylaws.

NEW SECTION. Sec. 2407. STAGGERED TERMS FOR DIRECTORS. The articles or

bylaws may provide for staggering the terms of directors by dividing the total number of directors into groups of one or more directors. The terms of office and number of directors in each group do not need to be uniform.

NEW SECTION. Sec. 2408. RESIGNATION OF DIRECTOR. (1) A director may resign at any time by delivering an executed notice in the form of a record to the president, the secretary of the corporation, or another officer designated for that purpose in the articles or bylaws. A director may also resign by giving oral notice to the board at a meeting of the board.

(2) A resignation is effective when the notice is delivered unless the notice specifies a later effective time.

(3) If the resignation of a director of a charitable corporation results in the charitable corporation having no directors in office, then the resigning director shall notify the attorney general that the charitable corporation has no directors in office. Such notice must be in the form of a record delivered to the attorney general within ten calendar days after the effective date of the director's resignation.

NEW SECTION. Sec. 2409. REMOVAL OF DIRECTORS. (1) Removal of directors of a membership corporation is subject to the following provisions:

(a) The members may remove, with or without cause, one or more directors who have been elected by the members, unless the articles or bylaws provide that directors may be removed only for cause. The articles or bylaws may specify what constitutes cause for removal.

(b) The board of a membership corporation may not remove a director who has been elected by the members except as provided in subsection (5) of this section or in the articles or bylaws.

(c) The directors may remove, with or without cause, one or more directors who have been elected by the directors, unless the articles or bylaws provide that directors may be removed only for cause. The articles or bylaws may specify what constitutes cause for removal.

(d) Except as provided in the articles or bylaws, if a director is elected by a voting group of members, or by a chapter or other organizational unit, or by a region or other geographic grouping, then

only the members of that voting group or chapter, unit, region, or grouping may participate in the vote to remove the director.

(e) The notice of a meeting of members at which removal of a director is to be considered shall state that the purpose, or one of the purposes, of the meeting is removal of the director.

(2) The board may remove a director of a nonmembership corporation who was elected by the directors:

(a) With or without cause, unless the articles or bylaws provide that directors may be removed only for cause. The articles or bylaws may specify what constitutes cause for removal.

(b) A nonprofit corporation shall give notice of any meeting of directors at which removal of a director is to be considered in accordance with the articles or bylaws governing notice for special meetings, but in no event less than forty-eight hours before the meeting. Such notice shall state that the purpose, or one of the purposes, of the meeting is removal of a director.

(c) As provided in subsection (5) of this section.

(3) A director who is designated by name in the articles or bylaws may be removed by an amendment to the articles or bylaws deleting or changing the designation.

(4) Except as provided in the articles or bylaws, a director who is appointed by persons other than the members or the directors may be removed with or without cause only by those persons.

(5) Notwithstanding anything else to the contrary in this section or the articles or bylaws, the board of a membership corporation or nonmembership corporation may remove a director:

(a) Who has been appointed a guardian under RCW 11.130.185 or 11.130.265;

(b) Who has been appointed a conservator under RCW 11.130.360;

(c) Who is subject to a written certification by his or her attending physician that in the physician's opinion the director is substantially unable to manage his or her financial resources or resist fraud or undue influence;

(d) Who has been convicted of a felony;

(e) Who has been found by a final order of any court of competent jurisdiction to have breached a duty as a director under section 2402 of this act;

(f) Who has missed the number of board meetings specified in the articles or bylaws, if the articles or bylaws at the beginning of the director's current term provided that a director may be removed for missing the specified number of board meetings; or

(g) Who does not satisfy any of the qualifications for directors set forth in the articles or bylaws at the beginning of the director's current term, if the decision that the director fails to satisfy a qualification is made by the vote of a majority of the directors who meet all of the required qualifications.

(6) Notwithstanding anything else to the contrary in this section or the articles or bylaws, the board of a charitable corporation that is a membership corporation or a nonmembership corporation may remove a director if the director's continued service would cause the charitable corporation to be prohibited from soliciting charitable funds under RCW 19.09.100(13).

NEW SECTION. Sec. 2410. VACANCY ON BOARD OF DIRECTORS. (1) Except as provided in subsection (2) of this section, the articles, or the bylaws, if a vacancy occurs on the board, including a vacancy resulting from an increase in the number of directors, then the vacancy may be filled by a majority of the directors remaining in office even if they constitute less than a quorum. For purposes of section 2409 of this act, any director so elected is deemed to have been elected by the members, voting group, or persons who would elect that director at a regular election.

(2) Except as provided in the articles or bylaws, a vacancy in the position of a director who is:

(a) Appointed by persons other than the members, may be filled only by those persons; or

(b) Designated by name in the articles or bylaws, may not be filled by action of the board.

(3) A vacancy that will occur at a specific later time, by reason of a resignation effective at a later time under section 2408(2) of this act, or

otherwise, may be filled before the vacancy occurs but the new director may not take office until the vacancy occurs.

(4) If no directors remain in office, and there are no members with the right to elect directors, then the attorney general has the power to appoint one or more directors selected for their interest and ability to carry out the purposes of the corporation, unless the articles or bylaws provide a different method for electing, appointing, or designating at least one director.

NEW SECTION. Sec. 2411. LIABILITY OF DIRECTORS. (1) A director of a nonprofit corporation is not liable to the nonprofit corporation for any action taken, or any failure to take any action, as a director, except as provided in subsection (2) or (3) of this section or in the articles or bylaws.

(2) Notwithstanding any provision to the contrary in the articles or bylaws, a director is liable to the corporation for:

(a) The value of any benefit in cash, other property, or services received by the director to which the director is not legally entitled; or

(b) Intentional misconduct or a knowing violation of law, including but not limited to criminal law or this chapter, by the director.

(3) A director is liable to the corporation for a violation of any additional standard of conduct specified in the nonprofit corporation's articles as an exception to the limitation on director's liability.

(4) A director of a nonprofit corporation is not liable to any member of the nonprofit corporation for any action taken, or any failure to take action, as a director, except as provided in subsection (5) of this section.

(5) A director is liable to a member of the corporation only for:

(a) A knowing infliction of harm upon the member; or

(b) An intentional violation of criminal law or this chapter that results in harm or loss to the member.

(6) The party seeking to establish the director's liability to the corporation or any member of the corporation:

(a) For money damages, also has the burden of establishing that:

(i) Harm to the nonprofit corporation or its members has been suffered; and

(ii) The harm suffered was proximately caused by the director's challenged conduct; or

(b) For other money payment under a legal remedy, such as compensation for the unauthorized use of corporate assets, also has whatever burden of persuasion may be called for to establish that the payment sought is appropriate in the circumstances; or

(c) For other money payment under an equitable remedy, such as profit recovery by or disgorgement to the corporation, also has whatever burden of persuasion may be called for to establish that the equitable remedy sought is appropriate in the circumstances.

(7) Nothing contained in this section:

(a) In any instance where fairness is at issue, such as consideration of the fairness of a transaction to the nonprofit corporation under section 2703(1)(c) of this act, alters the burden of proving the fact or lack of fairness otherwise applicable;

(b) Alters the fact or lack of liability of a director to the nonprofit corporation under another section of this chapter, such as the provisions governing the consequences of an unlawful distribution under section 2702 of this act, a conflicting interest transaction under section 2703 of this act, or taking advantage of a business opportunity under section 2704 of this act;

(c) Affects any rights to which the corporation or a director or member may be entitled under another statute of this state or the United States; or

(d) Affects the authority of the attorney general to take any action against a director under this chapter or other applicable Washington state law.

NEW SECTION. Sec. 2412. COMPENSATION OF DIRECTORS. Unless the articles or bylaws provide otherwise, the board may fix the compensation of directors.

ARTICLE 5

MEETINGS AND ACTION OF THE BOARD

NEW SECTION. Sec. 2501. MEETINGS OF THE BOARD. (1) The board may hold

regular or special meetings in or out of this state.

(2) Unless the articles or bylaws provide otherwise, the board may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, one or more means of remote communication through which all of the directors may simultaneously participate with each other during the meeting. A director participating in a meeting by this means is considered present in person at the meeting. For any meeting at which one or more directors may participate by means of remote communication, notice of the meeting must be delivered to each director by a means which the director has authorized and provide complete instructions for participating in the meeting by remote communication.

NEW SECTION. Sec. 2502. NOTICE OF BOARD MEETINGS. (1) Regular meetings of the board may be held with or without notice as prescribed in the articles or bylaws, unless notice is required by section 2409(2) of this act or other provisions of this chapter.

(2) Unless the articles or bylaws provide for a longer or shorter period, special meetings of the board must be preceded by at least forty-eight hours' notice of the date, time, and place of the meeting. The notice need not describe the purpose of the special meeting, except as required by section 2409(2) of this act, other provisions of this chapter, or the articles or bylaws.

(3) Unless the articles or bylaws provide otherwise, the president, the secretary, or twenty percent of the directors then in office may call and give, or cause to be given, notice of a meeting of the board.

(4) Oral notice of meetings of the board may be given, unless oral notice is not permitted by a corporation's articles or bylaws.

NEW SECTION. Sec. 2503. WAIVER OF NOTICE. (1) A director may waive any notice required by this chapter, the articles, or the bylaws before or after the date and time stated in the notice. Except as provided by subsection (2) of this section, the waiver must be in the form of a record, executed by the director entitled to the notice, and filed with the minutes or corporate records.

(2) A director's attendance at or participation in a meeting waives any required notice to the director of the meeting, unless the director at the beginning of the meeting or promptly upon arrival objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting.

NEW SECTION. Sec. 2504. BOARD QUORUM AND VOTING REQUIREMENTS. (1) Except as provided in subsection (2) or (3) of this section, the articles, or the bylaws, a quorum of the board consists of a majority of the directors in office before a meeting begins.

(2) The articles or bylaws may authorize a quorum of the board to consist of no fewer than one-third of the number of directors in office.

(3) A quorum shall not be present at any time during a meeting unless a majority of the directors present are at least 18 years of age.

(4) If a quorum is present when a vote is taken, then the affirmative vote of a majority of directors present is the act of the board unless a greater vote is required by the articles or bylaws or this chapter.

(5) No proxy for a director, however appointed, may:

(a) Participate in any vote of the board or of any board committee;

(b) Be counted for the purpose of determining whether a quorum is present at a meeting; or

(c) Execute any written consent on behalf of the director.

(6) A director who is present at a meeting of the board when corporate action is taken is considered to have assented to the action taken unless:

(a) The director objects at the beginning of the meeting or promptly upon arrival to holding it or transacting business at the meeting;

(b) The director dissents or abstains from the action; or

(c) The director delivers notice in the form of a record of the director's dissent or abstention to the president or secretary of the corporation or another officer of the corporation designated in the bylaws before or during the meeting

or before the approval of the minutes of the meeting.

(7) The right of dissent or abstention is not available to a director who votes in favor of the action taken.

NEW SECTION. Sec. 2505. ACTION WITHOUT MEETING BY UNANIMOUS WRITTEN CONSENT. (1) Unless the articles or bylaws prohibit action without a meeting, action required or permitted by this chapter to be taken by the board may be taken without a meeting if each director entitled to vote with respect to the subject matter thereof executes a consent in the form of a record describing the action to be taken and delivers it to the nonprofit corporation.

(2) For purposes of this section only, "each director entitled to vote" does not include an "interested director" who abstains in writing from providing consent, where:

(a) The board has determined that:

(i) The corporation is entering into the transaction for its own benefit; and

(ii) The transaction is fair and reasonable to the corporation when it enters into the transaction or the noninterested directors determine in good faith after reasonable investigation that the corporation cannot obtain a more advantageous arrangement with reasonable effort under the circumstances, at or before execution of the written consent;

(b) That determination of the board is included in the written consent executed by the noninterested directors or in other records of the corporation; and

(c) All of the noninterested directors approve the action.

(3) Action taken under this section is the act of the board when one or more consents executed by all the directors entitled to vote are delivered to the nonprofit corporation. In no event may the period between the date of the first signature by a director on such a consent and the date on which all directors have executed the consent be more than sixty days. The consent may specify the time at which the action taken in the consent is to be effective. A director's consent may be withdrawn by a revocation in the form of a record executed by the director and delivered to the president, secretary, or other officer of the corporation specified by the board for that purpose

before delivery to the corporation of unrevoked consents executed by all the directors.

(4) A written consent executed under this section has the effect of action taken at a meeting of the board and may be described as such in any document.

NEW SECTION. Sec. 2506. BOARD AND ADVISORY COMMITTEES. (1) Unless this chapter, the articles, or the bylaws provide otherwise, a board may create one or more committees of the board that consist of two or more directors. A committee of the board shall not include as voting members persons who are not directors, except:

(a) As provided in Title 48 RCW or the regulations promulgated thereunder;

(b) If the only powers delegated to the committee are those necessary for the committee to serve in any fiduciary capacity with respect to one or more employee benefit plans established under the federal employee retirement income security act of 1974, or any successor statute; or

(c) Unless without the inclusion of persons who are not directors it is impossible or impracticable for the corporation to comply with applicable law other than this chapter.

(2) Unless this chapter otherwise provides, the creation of a committee of the board and appointment of directors to it shall be approved by the greater of:

(a) A majority of all the directors in office when the action is taken; or

(b) The number of directors required by the articles or bylaws to take action under section 2504 of this act.

(3) Sections 2501 through 2505 of this act apply to both committees of the board and their members to the greatest practicable extent.

(4) To the extent specified by the board or in the articles or bylaws, each committee of the board may exercise the powers of the board granted through section 2401(2) of this act, except as limited by subsection (5) of this section.

(5) A committee of the board may not:

(a) Authorize distributions;

(b) Adopt, amend, alter, or repeal bylaws;

(c) In the case of a membership corporation, approve or propose to members action that must be approved by members under the articles or bylaws;

(d) Elect, appoint or remove any member of any committee of the board or any director or officer of the corporation;

(e) Amend the articles;

(f) Adopt a plan of merger with another corporation;

(g) Adopt a plan of domestication, for-profit conversion, or entity conversion;

(h) Authorize the sale, lease, or exchange of all or substantially all of the property and assets of the corporation not in the ordinary course of business;

(i) Authorize the voluntary dissolution of the corporation or revoke proceedings therefor;

(j) Adopt a plan for the distribution of the assets of the corporation; or

(k) Amend, alter, or repeal any resolution of the board, unless the resolution provides by its terms that it may be amended, altered, or repealed by a committee.

(6) The creation of, delegation of authority to, or action by a committee of the board does not alone constitute compliance by a director with the standards of conduct described in section 2402 of this act.

(7) A nonprofit corporation may create or authorize the creation of one or more advisory committees whose members need not be directors or meet the qualification requirements for directors. The board shall not delegate any of its authority to an advisory committee. An advisory committee:

(a) Is not a committee of the board; and

(b) May not exercise any of the powers of the board.

NEW SECTION. Sec. 2507. PROCEDURE FOR REMOTE MEETINGS. Unless otherwise provided in the articles or bylaws, meetings of the board or any committee held by remote communication must follow the provisions of sections 2501 through 2506 of this act to the greatest practicable extent.

ARTICLE 6**OFFICERS**

NEW SECTION. Sec. 2601. OFFICERS—DUTIES. (1) The officers of a nonprofit corporation consist of a president, secretary, and treasurer, and other officers as may be authorized by the articles, the bylaws, or the board.

(2) Unless the articles or bylaws provide otherwise, the board shall elect or appoint all officers annually, and officers shall serve until their respective successors have been elected or appointed or until their earlier removal or resignation.

(3) The same individual may simultaneously hold more than one office in a nonprofit corporation, except that the same individual may not hold the offices of president and secretary.

(4) Each officer has the authority and shall perform the duties set forth in the articles or bylaws or, to the extent consistent with the articles and bylaws, the duties prescribed by the board or by direction of an officer authorized by the board to prescribe the duties of other officers.

NEW SECTION. Sec. 2602. STANDARDS OF CONDUCT FOR OFFICERS. (1) An officer with discretionary authority shall discharge his or her duties under that authority:

(a) In good faith;

(b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(c) In a manner the officer reasonably believes to be in the best interests of the corporation.

(2) The duty of an officer includes the obligation to convey to his or her superior officer, the board, a board committee, or another appropriate person within the nonprofit corporation:

(a) Information about the affairs of the nonprofit corporation within the scope of the officer's functions, and known to the officer to be material to the superior officer, board, or committee thereof; and

(b) Information regarding any actual or probable material violation of law involving the corporation or material breach of duty to the corporation by an

officer, director, employee, agent, or vendor of the corporation, that the officer believes has occurred or is likely to occur.

(3) In discharging his or her duties, an officer who does not have knowledge that makes reliance unwarranted may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(a) One or more officers or employees of the nonprofit corporation whom the officer reasonably believes to be reliable and competent in the functions performed or the information, opinions, reports, or statements provided;

(b) Legal counsel, public accountants, or other persons retained by the corporation as to matters involving skills or expertise the officer reasonably believes are matters:

(i) Within the particular person's professional or expert competence; or

(ii) As to which the particular person merits confidence.

(4) An officer is not a trustee with respect to the nonprofit corporation or with respect to any property held or administered by the corporation, including property that may be subject to restrictions imposed by the donor or transferor of the property.

NEW SECTION. Sec. 2603. RESIGNATION AND REMOVAL OF OFFICERS. (1) An officer may resign at any time by delivering notice to the nonprofit corporation. A resignation is effective when the notice is delivered unless the notice specifies a later effective time. If a resignation is made effective at a later time and the board or the appointing officer accepts the future effective time, then the board or the appointing officer may designate a successor before the effective time if the board or the appointing officer provides that the successor does not take office until the effective time.

(2) Except as provided in the articles or bylaws, an officer may be removed at any time with or without cause by:

(a) The board;

(b) The officer who appointed the officer being removed, unless the board provides otherwise; or

(c) Any other officer authorized by the articles, the bylaws, or the board to remove the officer being removed.

(3) In this section, "appointing officer" means the officer, including any successor to that officer who appointed the officer resigning or being removed.

NEW SECTION. **Sec. 2604.** CONTRACT RIGHTS OF OFFICERS. (1) The appointment or election of an officer does not itself create contract rights.

(2) An officer's removal does not affect the officer's contract rights, if any, with the nonprofit corporation. An officer's resignation does not affect the corporation's contract rights, if any, with the officer.

ARTICLE 7

PROVISIONS COMMON TO DIRECTORS AND OFFICERS

NEW SECTION. **Sec. 2701.** LOANS OR GUARANTEES. (1) A nonprofit corporation may not lend money to, advance credit to, or guarantee the obligation of a director or officer of the corporation.

(2) Subsection (1) of this section does not apply to:

(a) An advance to pay reimbursable expenses reasonably expected to be incurred within a time period that is reasonable under the circumstances by a director or officer;

(b) Advances pursuant to section 2706 of this act;

(c) Loans or advances pursuant to employee benefit plans; or

(d) A loan to pay reasonable relocation expenses of an officer.

(3) The fact that a loan or guarantee is made in violation of this section does not affect the borrower's liability on the loan.

(4) The directors who vote for or assent to any loan, advance, or guarantee in violation of subsection (1) of this section, and any officer materially participating in the making of such a loan, advance, or guarantee, are personally liable on a joint and several basis to the nonprofit corporation on the loan, advance, or guarantee. Liability under this subsection terminates upon the repayment of any funds advanced by the nonprofit corporation in violation of subsection (1) of this section or, if no

funds have been advanced under a guarantee, upon the termination of the guarantee.

(5) A director or officer held liable under subsection (4) of this section for any unlawful loan or guarantee is entitled to contribution from every other director or officer who could be held liable under subsection (4) of this section for the unlawful loan or guarantee.

(6) A proceeding to enforce contribution or recoupment under subsection (5) of this section is barred unless it is commenced within one year after the liability of the claimant has been finally adjudicated under subsection (4) of this section.

NEW SECTION. **Sec. 2702.** LIABILITY FOR UNLAWFUL DISTRIBUTIONS. (1) A director or officer is personally liable to the nonprofit corporation for the amount of any distribution that exceeds the amount the corporation could have distributed without violating section 1406 of this act if:

(a) The nature or amount of the distribution was material to the interests of the corporation for any reason under all of the facts and circumstances including, but not limited to, federal excise tax liability or federal tax penalties imposed on the corporation as a result of the distribution;

(b) The director or officer voted for or assented to that distribution as a director, or participated beyond the level of a ministerial function in making that distribution as an officer; and

(c) The party asserting liability establishes that, when taking the action, the director or officer violated the standard of conduct set forth in subsection (2) of this section.

(2) A director or officer may be held liable under this section:

(a) For a distribution by a charitable corporation, or a distribution of assets held for charitable purposes, if the director did not comply with section 2402 of this act or the officer did not comply with section 2602 of this act; or

(b) If the conduct of the director or officer with respect to the distribution constitutes gross negligence.

(3) A director or officer held liable under this section for an unlawful distribution is entitled to:

(a) Contribution from every other director or officer who could be held liable under this section for the unlawful distribution; and

(b) Recoupment from each person of the pro rata portion of the amount of the unlawful distribution the person received:

(i) Whether or not the person knew the distribution was made in violation of this chapter, for a distribution by a charitable corporation or of property held for charitable purposes; or

(ii) Knowing the distribution was made in violation of this chapter, for a distribution of property not held for charitable purposes.

(4) A proceeding to enforce:

(a) The liability of a director or officer under this section is barred, unless it is commenced within three years after the date on which the distribution was made; or

(b) Contribution or recoupment under subsection (3) of this section is barred, unless it is commenced within one year after the liability of the claimant under this section has been finally adjudicated.

NEW SECTION. Sec. 2703. CONFLICTING INTEREST TRANSACTIONS-VOIDABILITY. (1) A contract or transaction between a nonprofit corporation and one or more of its members, directors, or officers; or between a nonprofit corporation and any other entity in which one or more of its directors or officers are directors or officers, hold a similar position, or have a financial interest is not void or voidable solely for that reason, or solely because the member, director, or officer is present at or participates in the meeting of the board that authorizes the contract or transaction or solely because his or her or their votes are counted for that purpose, if:

(a) The material facts as to the relationship or interest and as to the contract or transaction are disclosed or are known to the board and the board in good faith authorizes the contract or transaction by the affirmative vote of a majority of the disinterested directors even though the disinterested directors are less than a quorum;

(b) The material facts as to the relationship or interest of the member, director, or officer and as to the contract or transaction are disclosed or are known to the members entitled to vote thereon, if any, and the contract or transaction is specifically approved in good faith by vote of those members; or

(c) The contract or transaction is fair as to the corporation as of the time the board or the members authorize, approve, or ratify the transaction.

(2) Interested directors or directors holding a similar position in the other entity involved in a contract or transaction specified in subsection (1) of this section may be counted in determining the presence of a quorum at a meeting of the board that authorizes the contract or transaction.

(3) This section is applicable except as provided in the articles or bylaws.

NEW SECTION. Sec. 2704. BUSINESS OPPORTUNITIES. (1) The taking advantage, directly or indirectly, by a director or officer of a business opportunity may not be the subject of equitable relief, or give rise to an award of damages or other sanctions against the director or officer, in a proceeding by or in the right of the nonprofit corporation on the ground that the opportunity should have first been offered to the corporation, if before becoming legally obligated or entitled respecting the opportunity the director or officer brings it to the attention of the corporation and action by the members or the directors disclaiming the corporation's interest in the opportunity is taken in compliance with the procedures set forth in section 2703 of this act, as if the decision being made concerned a conflicting interest transaction.

(2) In any proceeding seeking equitable relief or other remedies, based upon an alleged improper taking advantage of a business opportunity by a director or officer, the fact that the director or officer did not employ the procedure described in subsection (1) of this section before taking advantage of the opportunity does not support an inference that the opportunity should have been first presented to the nonprofit corporation or alter the burden of proof otherwise applicable to establish that the director or officer breached a duty to the corporation in the circumstances.

NEW SECTION. Sec. 2705. REMOVAL BY JUDICIAL PROCEEDING. (1) The court may remove a director or officer from office in a proceeding commenced by or in the right of the corporation if the court finds that:

(a) The director or officer engaged in fraudulent conduct with respect to the corporation or its members, knowingly inflicted harm on the corporation, or engaged in acts or omissions constituting gross negligence with respect to the director's or officer's duties; and

(b) Considering the course of conduct of the director or officer and the inadequacy of other available remedies, removal would be in the best interest of the corporation.

(2) An action under this section may be commenced by a member, individual director, or delegate. The attorney general may also commence an action under this section if the corporation holds property for charitable purposes.

(3) The court, in addition to removing the director or officer, may bar the director or officer from being reelected, redesignated, or reappointed as a director, an officer, or both for a period prescribed by the court.

(4) Nothing in this section limits the equitable powers of the court to order other relief.

(5) If a proceeding is commenced under this section to remove a director or officer of a charitable corporation, then the plaintiff shall give the attorney general notice in the form of a record of the commencement of the proceeding.

NEW SECTION. Sec. 2706. INDEMNIFICATION AND ADVANCE FOR EXPENSES. The provisions of RCW 23B.08.500 through 23B.08.603, or their successors, apply to any corporation to which this chapter applies. For purposes of this chapter:

(1) All references in those provisions to shares of a corporation are deemed to refer to membership interests in the nonprofit corporation.

(2) All references in those provisions to shareholders are deemed to refer to members of the nonprofit corporation.

(3) All references in those provisions to a shareholders meeting are deemed to refer to a meeting of the members of the nonprofit corporation.

(4) All references in those provisions to transactions from which directors or officers will personally receive a benefit to which they are not entitled are deemed to include transactions approved or implemented by a director or officer knowing them to be in violation of section 1406 of this act.

(5) This section does not limit a nonprofit corporation's power to indemnify, advance expenses to, or provide or maintain insurance on behalf of an employee, agent, or volunteer.

NEW SECTION. Sec. 2707. DIRECTORS AND OFFICERS UNDER 18 YEARS OF AGE. No director or officer of a corporation who is under 18 years of age shall have authority to execute any document on behalf of the corporation, or otherwise to bind the corporation with respect to any other party, without the written concurrence of one or more other directors or officers of the corporation who are at least 18 years of age and would, between them, have independent authority to execute the same document or to bind the corporation in the same way.

PART III

FUNDAMENTAL TRANSACTIONS

ARTICLE 1

AMENDMENT OF ARTICLES OR BYLAWS

NEW SECTION. Sec. 3101. AUTHORITY TO AMEND. (1) A nonprofit corporation may amend its articles of incorporation, from time to time, so long as its articles as amended contain only provisions that are lawful under this chapter.

(2) Amendments to the articles of a charitable corporation to include one or more purposes of the corporation substantially different from the corporation's purposes before the amendment are subject to the reporting requirement set out in section 1205 of this act.

NEW SECTION. Sec. 3102. AMENDMENT OF ARTICLES BY NONMEMBERSHIP CORPORATION. (1) Except as provided in the articles, the board of a nonmembership corporation may adopt amendments to the corporation's articles by the vote of a majority of the directors in office.

(2) Except as provided in subsection (3) of this section, an amendment adopted by the board under this subsection must also be approved, if the amendment changes or deletes a provision regarding

the appointment of a director by persons other than the board, by those persons as if they constituted a voting group.

(3) Unless the articles provide otherwise, the board of a nonmembership corporation may adopt amendments to the corporation's articles without approval of any of the other persons identified in subsection (2) of this section to:

(a) Extend the duration of the corporation if it was incorporated at a time when limited duration was required by law;

(b) Delete the names and addresses of the initial directors;

(c) Notwithstanding section 1303(1) of this act, delete the name of each incorporator and the name and address of the initial registered agent or registered office, if a statement of change is on file with the secretary of state; and

(d) Restate without change all of the then operative provisions of the articles.

NEW SECTION. Sec. 3103. AMENDMENT BEFORE ADMISSION OF MEMBERS. If a membership corporation has not yet admitted members, then its board may adopt one or more amendments to the articles.

NEW SECTION. Sec. 3104. AMENDMENT AFTER ADMISSION OF MEMBERS. (1) An amendment to the articles of a membership corporation must be adopted in the following manner:

(a) Except as provided in (e) of this subsection, a proposed amendment must be adopted by the board.

(b) Except as provided in sections 3107 and 3108 of this act, a proposed amendment must be submitted to the members entitled to vote on the amendment, if any, for their approval.

(c) The board shall deliver to all members a recommendation that the members approve an amendment, unless the board makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board shall deliver to the members the basis for that determination.

(d) The board may condition its submission of an amendment to the members on any basis. Such a condition is in addition to any approval requirements set

forth in the corporation's articles or bylaws or in this chapter.

(e) If the articles or bylaws so permit, an amendment may be proposed by ten percent or more of the members entitled to vote on the amendment, or by a greater number of members if the articles or bylaws so specify. The provisions of (a), (c), and (d) of this subsection do not apply to an amendment proposed by the members under this subsection.

(f) If an amendment is required to be approved by the members, including under (e) of this subsection, and the approval is to be given at a meeting, then the corporation shall give notice to each member, whether or not entitled to vote on the amendment, of the meeting of members at which the amendment is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the amendment and must contain or be accompanied by a copy or summary of the amendment. If a summary is provided in lieu of a copy of the amendment, then a copy must be available to members upon request and the notice shall state that fact.

(g) At a meeting described in (f) of this subsection, those members entitled to vote on the amendment may:

(i) Approve or reject the amendment exactly as provided or summarized in the notice of the meeting; or

(ii) Approve revisions to the amendment at the meeting, if the subject matter of the revisions is within the scope of the subject matter of the amendment as provided or summarized in the notice of the meeting.

(h) The board shall determine whether the subject matter of any revisions approved by members remains within the scope of the subject matter of the amendment as provided or summarized in the notice of the meeting. If the board determines that the revisions approved by the members are not within that scope, then the amendment is deemed rejected by the membership. If the board determines that the revisions by members are within scope, then the board may:

(i) Accept the amendment incorporating the revisions approved by the members; or

(ii) Propose a further revised amendment to the members for approval.

This process may continue until an amendment acceptable to the board has been approved by the members. If successive votes take place at the same meeting of members, then no further notices or meetings are required.

(i) Unless the articles or bylaws, or the board acting pursuant to (d) of this subsection, requires a greater vote or a greater number of votes to be present, the approval of an amendment by the members entitled to vote thereon requires the approval of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the amendment, the approval of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(j) Except as provided in subsection (2) of this section, an amendment adopted by the board under this subsection must also be approved, if the amendment changes or deletes a provision regarding the appointment of a director by persons other than the board, by those persons as if they constituted a voting group.

(k) If a membership corporation has no members entitled to vote on the amendment, then the corporation shall deliver notice of the approval of the amendment by the board to all members of the corporation at least five days before filing articles of amendment or restated articles of incorporation with the secretary of state.

(2) Unless the articles provide otherwise, the board of a membership corporation may adopt amendments to the corporation's articles without approval of the members to:

(a) Delete the names and addresses of the initial directors;

(b) Notwithstanding section 1303(2) of this act, delete the name of each incorporator and the name and address of the initial registered agent or registered office, if a statement of change is on file with the secretary of state; or

(c) Restate without change all of the then operative provisions of the articles.

NEW SECTION. Sec. 3105. VOTING ON AMENDMENTS BY VOTING GROUPS. (1) If a nonprofit corporation has more than one class of members entitled to vote on an

amendment to the articles, then the articles or bylaws may provide that the members of each class entitled to vote on the amendment are entitled to vote as a separate voting group if the amendment would change the rights, powers, preferences, or limitations of the class.

(2) If a class of members will be divided into two or more classes by an amendment to the articles, then the amendment must be approved by a majority of the members of each class that will be created.

NEW SECTION. Sec. 3106. ARTICLES OF AMENDMENT. After an amendment to the articles has been adopted and approved in the manner required by sections 3101 through 3114 of this act and by the articles, the nonprofit corporation shall deliver to the secretary of state for filing articles of amendment, which must be executed by an officer or other authorized representative and set forth:

(1) The name of the corporation;

(2) The text of the amendment adopted;

(3) The date of the amendment's adoption; and

(4) If the amendment:

(a) Was adopted by the board without member approval, a statement that the amendment was adopted by the board of directors, and that member approval was not required; or

(b) Required approval by the members, a statement that the amendment was approved by the members in the manner required by this chapter and by the articles and bylaws.

NEW SECTION. Sec. 3107. RESTATED ARTICLES OF INCORPORATION. (1) The board of a nonprofit corporation may restate its articles of incorporation at any time, without approval by the members or any other person, to consolidate all amendments into a single document without substantive change.

(2) A restatement of the articles may include one or more amendments to the articles. If restated articles of incorporation of a nonmembership corporation include one or more new amendments, then these amendments must have been adopted and approved as provided in section 3102 of this act. If restated articles of incorporation of a membership corporation include one or more new amendments that require member

approval, then the amendments must have been adopted and approved as provided in section 3103 or 3104 of this act, as appropriate.

(3) A nonprofit corporation that restates its articles of incorporation shall deliver to the secretary of state for filing articles of restatement setting forth the name of the nonprofit corporation and the text of the restated articles of incorporation together with a certificate setting forth:

(a) If the restatement does not include any amendments to the articles, a statement of that fact;

(b) If the restatement contains one or more amendments to the articles, the information required by section 3106 (1) through (4) of this act.

(4) The articles of restatement and the certificate must be executed by an officer or other authorized representative.

(5) Duly adopted restated articles of incorporation supersede the original articles and all amendments thereto.

(6) The secretary of state shall certify restated articles of incorporation as the articles currently in effect.

NEW SECTION. Sec. 3108. AMENDMENT OF ARTICLES PURSUANT TO REORGANIZATION. (1) A nonprofit corporation's articles of incorporation may be amended without action by the board or the members to carry out a plan of reorganization ordered or decreed by any court of competent jurisdiction in a proceeding relating to the corporation.

(2) An individual designated by the court shall deliver to the secretary of state for filing articles of amendment setting forth:

(a) The name of the corporation;

(b) The text of each amendment approved by the court;

(c) The date of the court's order or decree approving the articles of amendment;

(d) The title of the reorganization proceeding in which the order or decree was entered; and

(e) A statement that the court had jurisdiction of the proceeding.

(3) This section does not apply after entry of a final decree in the reorganization proceeding even though the court retains jurisdiction of the proceeding for limited purposes unrelated to consummation of the reorganization plan.

NEW SECTION. Sec. 3109. EFFECTIVE DATE. Unless a delayed effective date is specified, articles of amendment or restated articles of incorporation become effective on the date the articles of amendment or restated articles of incorporation are filed by the secretary of state.

NEW SECTION. Sec. 3110. EFFECT OF ARTICLES OF AMENDMENT. (1) Except as provided in subsection (2) of this section, an amendment to the articles does not affect a cause of action existing against or in favor of the nonprofit corporation, a proceeding to which the corporation is a party, or the existing rights of persons other than members of the corporation or persons referred to in the articles. An amendment changing a corporation's name does not abate a proceeding brought by or against the corporation in its former name.

(2) No amendment to the articles shall modify any restriction imposed through any means upon property held for charitable purposes unless, before the delivery of the amendment to the secretary of state for filing, the restriction is modified:

(a) In the case of a restriction imposed pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary, through an appropriate order of the court or the agreement of all interested parties, including the attorney general, under chapter 11.96A RCW; or

(b) In the case of any other restriction, pursuant to section 1503 of this act.

(3) A person who is a member or otherwise affiliated with a charitable corporation may not receive a direct or indirect financial benefit in connection with an amendment of the articles unless the person is itself a charitable corporation, the federal government, a state, a governmental subdivision, or an unincorporated entity that has charitable purposes. This subsection does not apply to the receipt of

reasonable compensation for services rendered.

NEW SECTION. Sec. 3111. POWER TO AMEND BYLAWS. The power to alter, amend, or repeal the bylaws or adopt new bylaws is vested in the board unless otherwise provided in the articles, the bylaws, or this chapter.

NEW SECTION. Sec. 3112. BYLAW AMENDMENTS REQUIRING MEMBER APPROVAL.

(1) Except as provided in the articles or bylaws, the board of a membership corporation that has one or more members may not, without approval of the class or classes of members affected, adopt or amend a provision of the bylaws:

(a) That would eliminate any existing right, power, or privilege of membership contained in the bylaws;

(b) Under section 2107 of this act, providing that some of the members have different rights or obligations than other members with respect to voting, dissolution, transfer of memberships or other matters;

(c) Under section 2110 of this act, levying dues, assessments, or fees on some or all of the members;

(d) Under section 2113 of this act, relating to the termination or suspension of members; or

(e) Under section 2114 of this act, authorizing the purchase of memberships.

(2) The board of a membership corporation that has members may not amend the articles or bylaws without approval of every class or classes of members affected to vary the application of subsection (1) of this section to the corporation.

(3) If a nonprofit corporation has more than one class of members, then the members of a class are entitled to vote as a separate voting group on an amendment to the bylaws that:

(a) Is described in subsection (1) of this section, if the amendment would affect the members of that class differently than the members of another class; or

(b) Has any of the effects described in section 3104(1)(j) of this act.

(4) If a class of members will be divided into two or more classes by an amendment to the bylaws, then the amendment must be approved by a majority

of the members of each class that will be created.

NEW SECTION. Sec. 3113. EFFECT OF BYLAW AMENDMENT. (1) No amendment to the bylaws shall modify any restriction imposed through any means upon property held for charitable purposes unless, before or simultaneously with the adoption of the bylaws amendment, the restriction is modified:

(a) In the case of a restriction imposed pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary, through an appropriate order of the court or the agreement of all interested parties, including the attorney general, under chapter 11.96A RCW; or

(b) In the case of any other restriction, pursuant to section 1503 of this act.

(2) A person who is a member or otherwise affiliated with a charitable corporation may not receive a direct or indirect financial benefit in connection with an amendment of the bylaws unless the person is itself a charitable corporation, the federal government, a state, a governmental subdivision, or an unincorporated entity that has charitable purposes. This subsection does not apply to the receipt of reasonable compensation for services rendered.

NEW SECTION. Sec. 3114. APPROVAL OF AMENDMENTS BY THIRD PARTIES. (1) The articles of incorporation may require that an amendment to the articles be approved in the form of a record by a specified person or group of persons in addition to the board or members.

(2) The articles or bylaws may require that an amendment to the bylaws be approved in the form of a record by a specified person or group of persons in addition to the board or members.

(3) A requirement in the articles or bylaws described in subsection (1) or (2) of this section may only be amended with the approval in the form of a record of the specified person or group of persons.

ARTICLE 2

MERGER

NEW SECTION. Sec. 3201. DEFINITIONS. The definitions in this section apply throughout this section and sections 3202

through 3209 of this act unless the context clearly requires otherwise.

(1) "Eligible interests" means interests or shares.

(2) "Interests" means either or both of the following rights under the organic law of an unincorporated entity:

(a) The right to receive distributions from the entity either in the ordinary course or upon liquidation; or

(b) The right to receive notice or vote on issues involving its internal affairs, other than as an agent, assignee, proxy, or person responsible for managing its business, activities, or affairs.

(3) "Merger" means a transaction pursuant to section 3205 of this act.

(4) "Party to a merger" means any domestic or foreign nonprofit corporation or eligible entity that will merge under a plan of merger.

(5) "Shares" means the units into which the proprietary interests in a domestic or foreign for-profit corporation are divided.

(6) "Survivor" in a merger means the corporation or eligible entity into which one or more other corporations or eligible entities are merged. A survivor of a merger may preexist the merger or be created by the merger.

NEW SECTION. Sec. 3202. PROPERTY HELD FOR CHARITABLE PURPOSES. (1) In a merger under sections 3201 through 3209 of this act, property held for charitable purposes by a nonprofit corporation may not be diverted from charitable purposes.

(2) The survivor of any merger under sections 3201 through 3209 of this act remains bound by any restriction imposed through any means upon property held for charitable purposes by any party to the merger including, but not limited to, any restriction that affects existing rights of persons other than members, shareholders, or interest holders of the other party, unless the restriction is modified:

(a) In the case of a restriction imposed pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary, through an appropriate order of the court or the agreement of all interested parties, including the attorney general, under chapter 11.96A RCW; or

(b) In the case of any other restriction, pursuant to section 1503 of this act.

(3) Property held by a nonprofit corporation for charitable purposes upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the merger, must be returned, transferred, or conveyed in accordance with that condition.

(4) A corporation that is not a charitable corporation but holds property for charitable purposes shall deliver to the attorney general notice of its intent to consummate a merger, unless the survivor of the merger is a charitable corporation. The notice must be delivered to the attorney general in the form of a record at least twenty days before the meeting at which the proposed transaction is to be approved. Such a merger may not be implemented without the approval of the attorney general, or the approval of the court in a proceeding to which the attorney general is made a party. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the transaction, approval of the transaction is deemed to have been given.

(5) The notice described in subsection (4) of this section shall include:

(a) A statement specifying how the merger will comply with subsections (1) through (3) of this section; and

(b) A brief description of:

(i) Real property held by the corporation for charitable purposes, and its nature and location;

(ii) Cash, bank deposits, brokerage accounts, or other financial assets held by the corporation for charitable purposes, and their approximate total fair market value;

(iii) Other personal property held by the corporation for charitable purposes, and its nature and approximate total fair market value; and

(iv) All gift restrictions applicable to any property described in (b)(i) through (iii) of this subsection, and the nature of those restrictions.

NEW SECTION. Sec. 3203. PROHIBITION OF FINANCIAL BENEFIT. A person who is a

member, director, officer, interest holder, or otherwise affiliated with a charitable corporation or any other eligible entity with a charitable purpose may not receive a direct or indirect financial benefit in connection with a merger governed by sections 3201 through 3209 of this act to which the charitable corporation or unincorporated entity is a party unless the person is itself a charitable corporation, the federal government, a tribal government, a state or local government, a governmental subdivision, or an eligible entity that is organized exclusively for charitable purposes. This section does not apply to the receipt of reasonable compensation for services rendered.

NEW SECTION. Sec. 3204. LIMITATIONS ON CHARITABLE CORPORATIONS. (1) A charitable corporation may merge only with:

- (a) Another charitable corporation;
- (b) A foreign corporation that, if it were a domestic corporation, would qualify under this chapter as a charitable corporation; or
- (c) A foreign or domestic for-profit or nonprofit corporation, or unincorporated entity, only if the charitable corporation is the surviving corporation and continues to qualify as a charitable corporation after the merger.

(2) No member of a charitable corporation may receive or keep anything as a result of a merger other than a membership in the surviving charitable corporation, unless:

- (a) The attorney general, or the court in a proceeding in which the attorney general has been given notice, has provided prior written consent; or
- (b) The member is a charitable corporation, another entity that is organized and operated exclusively for one or more charitable purposes, the federal government, or a tribal, state, or local government.

NEW SECTION. Sec. 3205. MERGER. (1) Subject to the restrictions in sections 3202 through 3204 of this act, one or more domestic nonprofit corporations may merge with one or more domestic or foreign nonprofit corporations or eligible entities pursuant to a plan of merger or two or more foreign nonprofit corporations or domestic or foreign

eligible entities may merge into a new domestic nonprofit corporation to be created in the merger in the manner provided in sections 3201 through 3209 of this act.

(2) A foreign nonprofit corporation, or a foreign eligible entity, may be a party to a merger with a domestic nonprofit corporation, or may be created by the terms of the plan of merger, only if the merger is permitted by the organic law of the corporation or eligible entity.

(3) If the law of this state, other than this chapter, permits the merger of a domestic eligible entity with a nonprofit corporation but does not provide procedures for the approval of such a merger, then a plan of merger may be adopted and approved, and the merger may be effectuated, in accordance with the procedures in sections 3201 through 3209 of this act. For the purposes of applying sections 3201 through 3209 of this act, as the context may require:

(a) The eligible entity is treated as a domestic nonprofit corporation, its interest holders are treated as members, eligible interests are treated as memberships, and organic records are treated as articles and bylaws; and

(b) If there is no board of directors and the business and affairs of the eligible entity are managed by a team or body of persons that is not identical to the interest holders, that team or body is deemed to be the board of directors.

(4) The plan of merger must be in the form of a record and include:

(a) The name of each domestic or foreign nonprofit corporation or eligible entity that will merge and the name of the domestic or foreign nonprofit corporation or eligible entity that will be the survivor of the merger;

(b) The terms and conditions of the merger;

(c) The manner and basis of converting the memberships of each merging domestic or foreign nonprofit membership corporation and the eligible interests of each merging domestic or foreign eligible entity into memberships, eligible interests, securities, or obligations; rights to acquire memberships, eligible interests, securities, or obligations; cash; other property or other

consideration; or any combination of the foregoing;

(d) The articles and bylaws of any corporation, or the organic records of any eligible entity, to be created by the merger; or if a new corporation or eligible entity is not to be created by the merger, any changes to the survivor's articles or bylaws or organic records;

(e) Whether the corporation is a charitable corporation or is holding assets for charitable purposes;

(f) If the corporation is a charitable corporation or is holding assets for charitable purposes, a plan setting forth how the merging entities will comply with sections 3202 and 3204 of this act; and

(g) Any other provisions relating to the merger that the parties desire be included in the plan of merger.

(5) The plan of merger may also include a provision that the plan may be amended before filing articles of merger, but if the members of a domestic corporation that is a party to the merger are required or entitled to vote on the plan, then the plan shall provide that after approval of the plan by those members the plan may not be amended to change:

(a) The amount or kind of memberships, eligible interests, securities, or obligations; rights to acquire memberships, eligible interests, securities, or obligations; cash; or other property or other consideration to be received by the members of or owners of eligible interests in any party to the merger;

(b) The articles or bylaws of any corporation, or the organic records of any unincorporated entity, that will survive or be created as a result of the merger, except for changes permitted by section 3104(2) of this act or by comparable provisions of the organic law of a foreign nonprofit or for-profit corporation or domestic or foreign unincorporated entity; or

(c) Any of the other terms or conditions of the plan, if the change would adversely affect those members in any material respect.

(6) Terms of a plan of merger may be made dependent on facts objectively ascertainable outside the plan in accordance with section 1202(3) of this act.

NEW SECTION. **Sec. 3206.** ADOPTION OF PLAN OF MERGER. In the case of a nonprofit corporation that is a party to a merger:

(1) The plan of merger must be adopted by the board.

(2) Except as provided in subsection (9) of this section, section 3205 of this act, or the articles or bylaws, after adopting the plan of merger, the board shall submit the plan to those members entitled to vote on the plan for their approval. The board shall also deliver to the members a recommendation that the members approve the plan, unless the board makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board shall deliver to the members the basis for that determination.

(3) The board may condition its submission of the plan of merger to the members on any basis.

(4) If the plan of merger is required to be approved by the members, and if the approval is to be given at a meeting, then the nonprofit corporation shall give notice to each member, whether or not entitled to vote on the merger, of the meeting of members at which the plan is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. If the corporation is to be merged into an existing corporation or eligible entity, then the notice shall also include a copy or summary of the articles and bylaws or organic records of that corporation or eligible entity. If the corporation is to be merged into a corporation or eligible entity that is to be created pursuant to the merger, then the notice shall include a copy or a summary of the articles and bylaws or organic records of the new corporation or eligible entity. If a summary is provided in lieu of a copy of the plan or of the articles and bylaws, then a copy of the plan and articles and bylaws, as applicable, must be available to members upon request and this fact must be stated in the notice. Such copy of the plan and articles and bylaws, as applicable, may be made available in electronic format.

(5) Unless the articles or bylaws, or the board acting pursuant to subsection (3) of this section, requires a greater

vote or a greater number of votes to be present, the approval of the plan of merger by the members entitled to vote thereon requires the approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan of merger, the approval of a majority of the members of each voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(6) Separate voting on a plan of merger is required:

(a) By each class of members:

(i) Whose memberships are to be converted into eligible interests, securities, or obligations; rights to acquire eligible interests, securities, or obligations; cash; other property or other consideration; or any combination of the foregoing;

(ii) Which is to experience a change in the rights, powers, preferences, or limitations of the class as a result of the merger; or

(iii) That would be entitled to vote as a separate group on a provision in the plan that, if contained in a proposed amendment to articles of incorporation, would require action by separate voting groups under the articles or bylaws.

(b) By a voting group, if the voting group is entitled under the articles or bylaws to vote as a voting group to approve a plan of merger.

(7) If a plan of merger would affect in the same or a substantially similar way two or more classes of members entitled to vote separately on the plan of merger under subsection (6)(a) of this section, then, instead of voting separately, all similarly affected classes of members shall vote together as a single voting group on the plan of merger, unless otherwise provided in the articles or as a condition imposed by the board under subsection (3) of this section.

(8) If as a result of a merger one or more members of a domestic nonprofit corporation would become subject to owner liability for the debts, obligations or liabilities of any other person or entity, then approval of the plan of merger requires the execution, by each member who would become subject to owner liability, of a separate record

consenting to become subject to owner liability.

(9) If a domestic nonprofit corporation that is a party to a merger does not have any members entitled to vote on the merger, then a plan of merger is deemed adopted by the corporation when it has been adopted by the board pursuant to subsection (1) of this section. If a membership corporation has no members entitled to vote on the merger, then the corporation shall deliver notice of the proposed merger to all members of the corporation at least five days before the meeting at which the board is to adopt the plan of merger.

(10) In addition to the adoption and approval of the plan of merger by the board and members as required by this section, the plan of merger must also be approved in the form of a record by any person or group of persons whose approval is required under section 3114 of this act to amend the articles or bylaws.

(11) Adoption and approval of a plan of merger by all required persons under the procedures set forth in this section constitutes adoption and approval of all changes to the approving party's articles, bylaws, or other organic documents contained within the plan of merger.

NEW SECTION. Sec. 3207. ARTICLES OF MERGER. (1) After a plan of merger has been adopted and approved as required by sections 3201 through 3209 of this act, articles of merger must be executed on behalf of each party to the merger by an officer or other authorized representative of the party. The articles of merger shall set forth:

(a) The names of the parties to the merger;

(b) If the articles of the surviving domestic nonprofit corporation are being changed, or if a new domestic nonprofit corporation is created as a result of a merger, the changes to the articles of the surviving corporation or the articles of the new corporation;

(c) If the plan of merger required approval by the members of a domestic nonprofit corporation that was a party to the merger, a statement that the plan was approved by the members and, if voting by any separate voting group was required, by each separate voting group entitled to vote, in the manner required by this chapter and the articles or bylaws;

(d) If the plan of merger did not require approval by the members of a domestic nonprofit corporation that was a party to the merger, a statement to that effect;

(e) If a party to the merger is a noncharitable corporation holding property for charitable purposes, and the survivor is not a charitable corporation, a statement that the attorney general has approved, or is deemed to have approved, the merger pursuant to section 3202 of this act; and

(f) As to each foreign nonprofit corporation or eligible entity that was a party to the merger, a statement that the participation of the foreign corporation or eligible entity was authorized as required by the organic law of the corporation or eligible entity.

(2) Terms of articles of merger may be made dependent on facts objectively ascertainable outside the articles in accordance with section 1202(3) of this act.

(3) Articles of merger must be delivered to the secretary of state for filing by the surviving entity of the merger and shall take effect at the effective time provided in RCW 23.95.210. Articles of merger filed under this section may be combined with any filing required under the organic law of any domestic eligible entity involved in the transaction if the combined filing satisfies the requirements of both this section and the other organic law.

NEW SECTION. **Sec. 3208.** EFFECT OF MERGER. (1) Subject to sections 3202 and 3203 of this act, if the surviving entity is a domestic nonprofit corporation when a merger becomes effective:

(a) The domestic nonprofit corporation that is designated in the plan of merger as the surviving corporation continues or comes into existence, as the case may be;

(b) The separate existence of every domestic or foreign nonprofit corporation or eligible entity that is merged into the survivor ceases;

(c) All property owned by, and every contract and other right possessed by, each domestic or foreign nonprofit corporation or eligible entity that merges into the surviving corporation is vested in the surviving corporation without reversion or impairment;

(d) All liabilities of each domestic or foreign nonprofit corporation or eligible entity that is merged into the survivor are vested in the surviving corporation;

(e) The name of the surviving corporation may, but need not be, substituted in any pending proceeding for the name of any party to the merger whose separate existence ceased in the merger;

(f) The articles and bylaws or organic records of the surviving corporation are amended to the extent of the changes provided in the plan of merger;

(g) The articles and bylaws of a surviving corporation that is created by the merger become effective; and

(h) The memberships of each corporation that is a party to the merger, and the eligible interests in an eligible entity that is a party to a merger, that are to be converted under the plan of merger into memberships, eligible interests, securities, or obligations; rights to acquire memberships, eligible interests, securities, or obligations; cash; other property or other consideration; or any combination of the foregoing; are converted.

(2) A person who becomes subject to owner liability for some or all of the debts, obligations, or liabilities of any entity as a result of a merger has owner liability only to the extent provided in the organic law of the entity and only for those debts, obligations, and liabilities that arise after the effective time of the articles of merger, except to the extent that the person consented to become subject to liability under section 3206(8) of this act.

(3) The effect of a merger on the owner liability of a person who had owner liability for some or all of the debts, obligations, or liabilities of a party to the merger is as follows:

(a) The merger does not discharge any owner liability under the organic law of the entity in which the person was a member, shareholder, or interest holder to the extent that owner liability arose before the effective time of the articles of merger.

(b) The person does not have owner liability under the organic law of the entity in which the person was a member, shareholder, or interest holder before

the merger for any debt, obligation, or liability that arises after the effective time of the articles of merger.

(c) The provisions of the organic law of any entity for which the person had owner liability before the merger continue to apply to the collection or discharge of any owner liability preserved by subsection (1) of this section, as if the merger had not occurred.

(d) The person has whatever rights of contribution from other persons are provided by the organic law of the entity for which the person had owner liability with respect to any owner liability preserved by (a) of this subsection, as if the merger had not occurred.

(4) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made before or after a merger, to or for any of the parties to the merger, inures to the survivor, subject to the express terms of the will or other instrument.

NEW SECTION. Sec. 3209. ABANDONMENT OF MERGER. (1) Unless otherwise provided in a plan of merger or in the organic law of a foreign nonprofit corporation or a domestic or foreign eligible entity that is a party to a merger, after the plan has been adopted and approved as required by sections 3201 through 3209 of this act, and at any time before the merger has become effective, it may be abandoned by a domestic nonprofit corporation that is a party thereto without action by its members, in accordance with any procedures set forth in the plan of merger or, if no procedures are set forth in the plan, in the manner determined by the board, subject to any contractual rights of other parties to the merger.

(2) If a merger is abandoned under subsection (1) of this section after articles of merger have been filed by the secretary of state but before the merger has become effective, then a statement that the merger has been abandoned in accordance with this section, executed on behalf of a party to the merger by an officer or other authorized representative, must be delivered to the secretary of state for filing before the effective date of the merger. Upon filing by the secretary of state, the statement takes effect and the merger is deemed abandoned and shall not become effective.

ARTICLE 3

DOMESTICATION AND CONVERSION

NEW SECTION. Sec. 3301. DEFINITIONS. The definitions in this section apply throughout this section and sections 3302 through 3326 of this act unless the context clearly requires otherwise.

(1) "Conversion" means a transaction authorized by section 3312, 3317, or 3321 of this act.

(2) "Converting corporation" means the domestic or foreign nonprofit or for-profit corporation that approves a conversion pursuant to sections 3301 through 3326 of this act or its organic law.

(3) "Converting entity" means the domestic or foreign entity that approves a conversion pursuant to section 3321 of this act or its organic law.

(4) "Domesticated corporation" means the domesticating corporation as it continues in existence after a domestication.

(5) "Domesticating corporation" means the domestic nonprofit corporation that adopts a plan of domestication pursuant to section 3308 of this act or the foreign nonprofit corporation that approves a domestication pursuant to its organic law.

(6) "Domestication" means a transaction authorized by section 3307 of this act.

(7) "Surviving corporation" means the corporation as it continues in existence immediately after consummation of a for-profit conversion pursuant to section 3312 of this act, a foreign for-profit conversion and domestication pursuant to section 3317 of this act, or an entity conversion pursuant to section 3321 of this act.

(8) "Surviving entity" means the unincorporated entity as it continues in existence immediately after consummation of an entity conversion pursuant to section 3321 of this act.

NEW SECTION. Sec. 3302. EXCLUDED TRANSACTIONS. Sections 3301 through 3326 of this act may not be used to effect a transaction that:

(1) Converts a nonprofit or mutual insurance company to a for-profit stock corporation; or

(2) Is governed by chapter 70.45 RCW.

NEW SECTION. Sec. 3303. REQUIRED APPROVALS. If a domestic or foreign nonprofit corporation or eligible entity may not be a party to a merger or sale of its assets without the approval of a federal or state agency other than the secretary of state, then the corporation or eligible entity shall not be a party to a transaction under sections 3301 through 3326 of this act without the prior approval of that agency.

NEW SECTION. Sec. 3304. PROPERTY HELD FOR CHARITABLE PURPOSES. (1) In any transaction under sections 3301 through 3326 of this act, property held for charitable purposes by a nonprofit corporation may not be diverted from charitable purposes.

(2) No transaction under sections 3301 through 3326 of this act shall modify any restriction imposed through any means upon property held for charitable purposes by any entity involved in the transaction, including but not limited to a restriction that affects existing rights of persons other than members, shareholders, or interest holders of the entity, unless the restriction is modified:

(a) In the case of a restriction imposed pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary, through an appropriate order of the court or the agreement of all interested parties, including the attorney general, under chapter 11.96A RCW; or

(b) In the case of any other restriction, pursuant to section 1503 of this act.

(3) Property held by a nonprofit corporation for charitable purposes upon condition requiring return, transfer or conveyance, which condition occurs by reason of a transaction under sections 3301 through 3326 of this act, must be returned, transferred, or conveyed in accordance with that condition.

(4) A corporation holding property for charitable purposes shall deliver to the attorney general notice of its intent to consummate any transaction under sections 3301 through 3326 of this act. The notice must be delivered to the attorney general in the form of a record at least forty-five days before the meeting at which the proposed transaction is to be approved. Such a transaction may not be implemented without the approval

of the attorney general, or the approval of the court in a proceeding to which the attorney general is made a party. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the transaction, approval of the transaction is deemed to have been given.

(5) The notice described in subsection (4) of this section shall include:

(a) A statement specifying how the transaction will comply with subsections (1) through (3) of this section, as applicable; and

(b) A brief description of:

(i) Real property held for charitable purposes by the corporation, and its nature and location;

(ii) Cash, bank deposits, brokerage accounts, or other financial assets held for charitable purposes by the corporation, and their approximate total fair market value;

(iii) Other personal property held for charitable purposes by the corporation, and its nature and approximate total fair market value; and

(iv) Any gift restrictions applicable to any property described in (b)(i) through (iii) of this subsection, and the nature of those restrictions.

(6) An event of domestication or conversion does not affect the applicability of chapter 11.110, 19.09, or 24.55 RCW to any entity.

NEW SECTION. Sec. 3305. PROHIBITION ON FINANCIAL BENEFIT. A person who is a member, interest holder, or otherwise affiliated with a charitable corporation or an unincorporated entity with charitable purposes may not receive a direct or indirect financial benefit in connection with a transaction governed by sections 3301 through 3326 of this act to which the charitable corporation or unincorporated entity is a party unless the person is itself a charitable corporation, the federal government, a tribal, state, or local government, a governmental subdivision, or an unincorporated entity that has charitable purposes. This section does not apply to the receipt of reasonable compensation for services rendered.

NEW SECTION. Sec. 3306. VOTING RIGHTS IN EXISTING CORPORATIONS. For any corporation formed before January 1, 2022, any member or other person who is entitled under the articles or bylaws to vote on or approve a merger transaction involving the corporation is deemed entitled, to the same extent, to vote on or approve any transaction under sections 3301 through 3326 of this act involving the corporation.

NEW SECTION. Sec. 3307. DOMESTICATION. (1) A foreign nonprofit corporation may become a domestic nonprofit corporation only if the law of the foreign jurisdiction allows the domestication.

(2) A domestic nonprofit corporation may become a foreign nonprofit corporation if the law of the foreign jurisdiction allows the domestication.

(3) Regardless of whether the laws of the foreign jurisdiction require the adoption of a plan of domestication, the domestication must be approved by the corporation's adoption of a plan of domestication in the manner provided in sections 3301 through 3326 of this act.

(4) The plan of domestication shall include:

(a) A statement of the jurisdiction in which the corporation is to be domesticated;

(b) The terms and conditions of the domestication;

(c) The manner and basis of canceling or reclassifying the memberships of the corporation following its domestication into memberships, obligations, rights to acquire memberships, cash, other property, or any combination of the foregoing;

(d) If the corporation is a charitable corporation or is holding assets for charitable purposes, a plan setting forth how the corporation will comply with section 3304 (1) through (3) of this act; and

(e) Any desired changes to the articles or bylaws of the corporation in connection with its domestication.

(5) The plan of domestication may also include a provision that the plan may be amended before filing the document required by the laws of this state or the other jurisdiction to consummate the domestication; except that, after

approval of the plan by the members, the plan may not be amended without the approval of the members entitled to vote thereon to change:

(a) The amount or kind of memberships, obligations, rights to acquire memberships, cash, or other property to be received by the members under the plan;

(b) The articles as they will be in effect immediately following the domestication, except for changes permitted by section 3104 of this act or by comparable provisions of the laws of the other jurisdiction; or

(c) Any of the other terms or conditions of the plan if the change would adversely affect any of the members in any material respect.

(6) Terms of a plan of domestication may be made dependent upon facts objectively ascertainable outside the plan in accordance with section 1202(3) of this act.

(7) If any debt security, note, or similar evidence of indebtedness for money borrowed, whether secured or unsecured, or a contract of any kind, issued, incurred or executed by a domestic nonprofit corporation before January 1, 2022, contains a provision applying to a merger of the corporation and the document does not refer to a domestication of the corporation, then the provision is deemed to apply to a domestication of the corporation until the provision is amended after that date.

NEW SECTION. Sec. 3308. ACTION ON A PLAN OF DOMESTICATION. In the case of a domestication of a domestic nonprofit corporation in a foreign jurisdiction:

(1) The plan of domestication must be adopted by the board.

(2) If there are no members entitled to vote on the plan, then the plan must be adopted by a vote of the majority of directors then in office. If a membership corporation has no members entitled to vote on the plan, then the corporation shall deliver notice of the proposed domestication to all members of the corporation at least ten days before the meeting at which the board is to adopt the plan.

(3) After adopting the plan of domestication, the board shall submit the plan to the members for their approval, if there are members entitled to vote on

the plan. The board shall also transmit to the members a recommendation that the members approve the plan, unless the board determines that, because of conflicts of interest or other special circumstances, it should not make such a recommendation, in which case the board shall transmit to the members the basis for that determination.

(4) The board may condition its submission of the plan of domestication to the members on any basis.

(5) If the approval of the members is to be given at a meeting, then the corporation shall notify each member, whether or not entitled to vote, of the meeting of members at which the plan of domestication is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. The notice shall include a copy of the articles and bylaws as they will be in effect immediately after the domestication. If a summary is provided in lieu of a copy of the plan, then a copy of the plan must be available to members upon request and this fact must be stated in the notice.

(6) Unless the articles or bylaws, or the board acting pursuant to subsection (4) of this section, requires a greater vote or a greater number of votes to be present, the approval of the plan of domestication by the members entitled to vote thereon requires the approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan, the approval of a majority of the members of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(7) A separate voting by voting groups is required by each class of members that:

(a) Is to be reclassified under the plan of domestication into a different class of members, or into obligations, rights to acquire memberships, cash, other property, or any combination of the foregoing;

(b) Would be entitled to vote as a separate group on a provision of the plan that, if contained in a proposed amendment to articles of incorporation, would require action by separate voting groups under section 3105 of this act; or

(c) Is entitled under the articles or bylaws to vote as a voting group to approve an amendment of the articles.

(8) If any provision of the articles, bylaws, or an agreement to which any of the directors or members are parties, adopted or entered into before January 1, 2022, applies to a merger of the corporation and that document does not refer to a domestication of the corporation, then the provision is deemed to apply to a domestication of the corporation until the provision is later amended.

NEW SECTION. Sec. 3309. ARTICLES OF DOMESTICATION. (1) Articles of domestication must be executed on behalf of the domesticating corporation by an officer or other authorized representative. The articles shall set forth:

(a) The name and jurisdiction of incorporation of the domesticating corporation;

(b) The name and jurisdiction of incorporation of the domesticated entity; and

(c) If the domesticating corporation is a domestic nonprofit corporation, a statement that the plan of domestication was approved in accordance with sections 3301 through 3326 of this act or, if the domesticating corporation is a foreign nonprofit corporation, a statement that the domestication was approved in accordance with the law of its jurisdiction of incorporation.

(2) The articles of domestication must be delivered to the secretary of state for filing, and take effect at the effective time provided in RCW 23.95.210.

(3) If the domesticating corporation is a foreign corporation, then the domesticating corporation must, simultaneously with the delivery of the articles of domestication, deliver articles of incorporation that comply with this title to the secretary of state for filing and the secretary of state shall file the articles. Provisions that would not be required to be included in restated articles of incorporation may be omitted, except that the name and address of the initial registered agent of the corporation must be included and the name of the corporation must satisfy the requirements of section 1302 of this act.

(4) If the domesticating corporation is a registered foreign corporation, then its registration is terminated automatically on the effective date of its domestication, and the secretary of state shall record the termination of the registration.

NEW SECTION. Sec. 3310. EFFECT OF DOMESTICATION. (1) Except as provided in section 3304 of this act, when a domestication becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the domesticating corporation remains in the domesticated corporation without reversion or impairment;

(b) The liabilities of the domesticating corporation remain the liabilities of the domesticated corporation;

(c) An action or proceeding pending against the domesticating corporation continues against the domesticated corporation as if the domestication had not occurred;

(d) The articles of incorporation filed pursuant to section 3309(3) of this act constitute the articles of a foreign corporation domesticating in Washington state;

(e) The memberships in the domesticating corporation are reclassified into memberships, obligations, rights to acquire memberships, or cash or other property in accordance with the terms of the domestication, and the members are entitled only to the rights provided by those terms;

(f) Gift restrictions binding the domestic corporation remain in place as if the domestication had not occurred, unless modified in accordance with section 1503 of this act;

(g) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made to or for the domesticating corporation before or after the domestication, inures to the domesticated corporation, subject to the express terms of the will or other instrument; and

(h) The domesticating corporation is deemed to be:

(i) Incorporated under and subject to the organic law of the domesticated corporation for all purposes; and

(ii) The same corporation without interruption as the domesticating corporation.

(2) The interest holder liability of a member in a foreign nonprofit corporation that is domesticated in the state of Washington is as follows:

(a) The domestication does not discharge any interest holder liability under the laws of the foreign jurisdiction to the extent the interest holder liability arose before the effective time of the articles of domestication.

(b) The member does not have interest holder liability under the laws of the foreign jurisdiction for any debt, obligation, or liability of the corporation that arises after the effective time of the articles of domestication.

(c) The provisions of the laws of the foreign jurisdiction continue to apply to the collection or discharge of any interest holder liability preserved by (a) of this subsection, as if the domestication had not occurred.

(d) The domestication has no effect on any member's rights of contribution from other members provided by the laws of the foreign jurisdiction with respect to any interest holder liability preserved by (a) of this subsection.

NEW SECTION. Sec. 3311. ABANDONMENT OF DOMESTICATION. (1) Unless otherwise provided in a plan of domestication of a domestic nonprofit corporation, after the plan has been adopted and approved as required by sections 3301 through 3326 of this act, and at any time before the domestication has become effective, it may be abandoned by the members if there are members entitled to vote on the plan of domestication, or by the board without action by members.

(2) If a domestication is abandoned under subsection (1) of this section after articles of domestication have been filed by the secretary of state but before the domestication has become effective, then a statement that the domestication has been abandoned in accordance with this section, executed by an officer or other authorized representative, must be delivered to the secretary of state for filing before the effective date of the domestication. The statement takes effect upon filing and

the domestication is abandoned and does not become effective.

(3) If the domestication of a foreign nonprofit corporation in Washington state is abandoned in accordance with the laws of the foreign jurisdiction after articles of domestication have been filed by the secretary of state, then a statement that the domestication has been abandoned, executed by an officer or other authorized representative, must be delivered to the secretary of state for filing. The statement takes effect upon filing and the domestication is abandoned and does not become effective.

NEW SECTION. **Sec. 3312.** FOR-PROFIT CONVERSION OF NONCHARITABLE CORPORATIONS. (1) A domestic nonprofit corporation, other than a charitable corporation, may become a domestic for-profit corporation pursuant to a plan of for-profit conversion if the for-profit conversion is permitted under Title 23B RCW.

(2) A domestic nonprofit corporation, other than a charitable corporation, may become a foreign for-profit corporation if the for-profit conversion is permitted by the laws of the foreign jurisdiction. Regardless of whether the laws of the foreign jurisdiction require the adoption of a plan of for-profit conversion, the foreign for-profit conversion must be approved by the adoption by the domestic nonprofit corporation of a plan of for-profit conversion in the manner provided in sections 3301 through 3326 of this act.

(3) The plan of for-profit conversion shall include:

(a) The terms and conditions of the conversion;

(b) The manner and basis of:

(i) Issuing at least one share in the corporation following its conversion; and

(ii) Otherwise reclassifying the memberships in the corporation, if any, following its conversion into shares and other securities, obligations, rights to acquire shares or other securities, cash, other property, or any combination of the foregoing;

(c) If the corporation is holding assets for charitable purposes, a plan setting forth how the corporation will comply with section 3304 (1) through (3) of this act;

(d) Any desired changes to the articles or bylaws of the corporation following its conversion; and

(e) If the domestic nonprofit corporation is to be converted to a foreign for-profit corporation, a statement of the jurisdiction in which the corporation will be incorporated after the conversion.

(4) The plan of for-profit conversion may also include a provision that the plan may be amended before filing articles of for-profit conversion, except that after approval of the plan by the members the plan may not be amended without the approval of the members to change:

(a) The amount or kind of shares and other securities, obligations, rights to acquire shares or other securities, cash, or other property to be received by the members under the plan;

(b) The articles of incorporation as they will be in effect immediately following the conversion, except for changes permitted by section 3104 of this act; or

(c) Any of the other terms or conditions of the plan if the change would adversely affect any of the members in any material respect.

(5) Terms of a plan of for-profit conversion may be made dependent upon facts objectively ascertainable outside the plan in accordance with section 1202(3) of this act.

(6) If any debt security, note, or similar evidence of indebtedness for money borrowed, whether secured or unsecured, or a contract of any kind, issued, incurred, or executed by a domestic nonprofit corporation before January 1, 2022, contains a provision applying to a merger of the corporation and the document does not refer to a for-profit conversion of the corporation, then the provision is deemed to apply to a for-profit conversion of the corporation until the provision is later amended.

NEW SECTION. **Sec. 3313.** ACTION ON A PLAN OF FOR-PROFIT CONVERSION. In the case of a conversion of a domestic nonprofit corporation to a domestic or foreign for-profit corporation:

(1) The plan of for-profit conversion must be adopted by the board.

(2) If there are no members entitled to vote on the plan, then the plan must be adopted by a vote of the majority of directors then in office. If a membership corporation has no members entitled to vote on the plan, then the corporation shall deliver notice of the proposed for-profit conversion to all members of the corporation at least ten days before the meeting at which the board is to adopt the plan.

(3) After adopting the plan of for-profit conversion, the board shall submit the plan to the members for their approval if there are members entitled to vote on the plan. The board shall also deliver to the members a recommendation that the members approve the plan, unless the board determines that because of conflicts of interest or other special circumstances, it should not make such a recommendation, in which case the board shall deliver to the members the basis for that determination.

(4) The board may condition its submission of the plan of for-profit conversion to the members on any basis.

(5) If the approval of the members is to be given at a meeting, then the corporation shall notify each member of the meeting of members at which the plan of for-profit conversion is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. The notice shall include a copy of the articles as they will be in effect immediately after the for-profit conversion. If a summary is provided in lieu of a copy of the plan, then a copy of the plan must be available to members upon request and this fact must be stated in the notice.

(6) Unless the articles or bylaws, or the board acting pursuant to subsection (4) of this section, require a greater vote or a greater number of votes to be present, the approval of the plan of for-profit conversion by the members entitled to vote thereon requires approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan of for-profit conversion, the approval of a majority of the members of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(7) If any provision of the articles, bylaws, or an agreement to which any of the directors or members are parties, adopted or entered into before January 1, 2022, applies to a merger of the corporation and the document does not refer to a for-profit conversion of the corporation, then the provision is deemed to apply to a for-profit conversion of the corporation until the provision is later amended.

NEW SECTION. **Sec. 3314.** ARTICLES OF FOR-PROFIT CONVERSION. (1) Articles of for-profit conversion must be executed on behalf of the converting corporation by an officer of the corporation. The articles shall set forth:

(a) If the surviving corporation is a domestic business corporation, the name of the corporation immediately before the filing of the articles of for-profit conversion and if that name does not satisfy the requirements of RCW 23B.04.010, or the corporation desires to change its name in connection with the conversion, a name that satisfies the requirements of RCW 23B.04.010;

(b) Whether the corporation is holding assets for charitable purposes;

(c) If the corporation is holding assets for charitable purposes, that the attorney general has approved, or is deemed to have approved, the for-profit conversion pursuant to section 3304(4) of this act;

(d) If the surviving corporation is a foreign for-profit corporation, its name after the conversion and its jurisdiction of incorporation;

(e) If the nonprofit corporation has members with voting rights with respect to the for-profit conversion, a statement that the plan of for-profit conversion was approved by the members in the manner required by this chapter and the articles or bylaws; and

(f) Where there are no members or no members having voting rights with respect to the for-profit conversion, a statement to that effect, the date of the meeting of the board at which the amendment was adopted, and a statement that the amendment received the vote of a majority of directors in office.

(2) If the surviving corporation is a domestic for-profit corporation, then the articles of for-profit conversion shall either contain all of the

provisions that RCW 23B.02.020 requires to be set forth in articles of incorporation of a domestic for-profit corporation and any other desired provisions permitted under Title 23B RCW, or have attached articles of incorporation that satisfy the requirements of RCW 23B.02.020. In either case, provisions that would not be required to be included in restated articles of incorporation of a domestic for-profit corporation may be omitted, except that the name and address of the initial registered agent of the for-profit corporation must be included.

(3) The articles of for-profit conversion and articles of incorporation, if a separate document, must be delivered to the secretary of state for filing, and take effect at the effective time provided in RCW 23.95.210.

NEW SECTION. Sec. 3315. EFFECT OF FOR-PROFIT CONVERSION. (1) Except as provided in section 3304 of this act, when a conversion of a domestic nonprofit corporation to a domestic or foreign for-profit corporation becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the corporation remains in the corporation without reversion or impairment;

(b) The liabilities of the corporation remain the liabilities of the corporation;

(c) An action or proceeding pending against the corporation continues against the corporation as if the conversion had not occurred;

(d) The articles of the domestic or foreign for-profit corporation become effective;

(e) The memberships of the corporation are reclassified into shares or other securities, obligations, rights to acquire shares or other securities, or into cash or other property in accordance with the plan of conversion, and the members are entitled only to the rights provided in the plan of for-profit conversion;

(f) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made to or for the corporation before or after the for-profit conversion, continues to inure to the corporation, subject to the

express terms of the will or other instrument; and

(g) The corporation is deemed to:

(i) Be a domestic or foreign for-profit corporation for all purposes; and

(ii) Be the same corporation without interruption as the nonprofit corporation.

(2) The interest holder liability of a member in a domestic nonprofit corporation that converts to a domestic for-profit corporation is as follows:

(a) The conversion does not discharge any interest holder liability of the member as a member of the nonprofit corporation to the extent the interest holder liability arose before the effective time of the articles of for-profit conversion.

(b) The member does not have interest holder liability for any debt, obligation, or liability of the for-profit corporation that arises after the effective time of the articles of for-profit conversion.

(c) The laws of this state continue to apply to the collection or discharge of any interest holder liability preserved by (a) of this subsection, as if the conversion had not occurred.

(d) The member has whatever rights of contribution from other members are provided by the laws of this state with respect to any interest holder liability preserved by (a) of this subsection, as if the conversion had not occurred.

(3) A member who becomes subject to interest holder liability for some or all of the debts, obligations, or liabilities of the for-profit corporation has interest holder liability only for those debts, obligations, or liabilities of the for-profit corporation that arise after the effective time of the articles of for-profit conversion.

NEW SECTION. Sec. 3316. ABANDONMENT OF FOR-PROFIT CONVERSION. (1) Unless otherwise provided in a plan of for-profit conversion of a domestic nonprofit corporation, after the plan has been adopted and approved as required by sections 3301 through 3326 of this act, and at any time before the for-profit conversion has become effective, it may be abandoned by the members if there are members entitled to vote on the for-

profit conversion, or by the board without action by members.

(2) If a for-profit conversion is abandoned under subsection (1) of this section after articles of for-profit conversion have been filed by the secretary of state but before the for-profit conversion has become effective, then a statement that the for-profit conversion has been abandoned in accordance with this section, executed by an officer of the corporation, must be delivered to the secretary of state for filing before the effective date of the for-profit conversion. The statement takes effect upon filing and the for-profit conversion is abandoned and does not become effective.

NEW SECTION. Sec. 3317. FOR-PROFIT DOMESTICATION AND CONVERSION. A foreign for-profit corporation may become a domestic nonprofit corporation if the domestication and conversion is permitted by the law of the foreign jurisdiction.

NEW SECTION. Sec. 3318. ARTICLES OF DOMESTICATION AND CONVERSION. (1) Articles of domestication and conversion must be executed on behalf of the domesticating and converting corporation by an officer or other authorized representative. The articles shall set forth:

(a) The name of the corporation immediately before the filing of the articles of domestication and conversion and, if that name is unavailable for use in Washington state or the corporation desires to change its name in connection with the domestication and conversion, a name that satisfies the requirements of section 1302 of this act;

(b) The jurisdiction of incorporation of the corporation immediately before the filing of the articles of domestication and conversion and the date the corporation was incorporated in that jurisdiction; and

(c) A statement that the domestication and conversion of the corporation in this state was authorized as required by the laws of the jurisdiction in which the corporation was incorporated immediately before its domestication and conversion in Washington state.

(2) The articles of domestication and conversion shall either contain all of the provisions that section 1303(1) of this act requires to be set forth in

articles of incorporation and any other desired provisions that section 1303 (2) and (3) of this act permit to be included in articles of incorporation, or have attached articles of incorporation that comply with this chapter. In either case, provisions that would not be required to be included in restated articles of incorporation may be omitted, except that the name and address of the initial registered agent of the domestic nonprofit corporation must be included.

(3) If the domesticating corporation is a foreign corporation, then the domesticating corporation must, simultaneously with the delivery of the articles of domestication and conversion, deliver articles of incorporation that comply with this chapter to the secretary of state for filing and the secretary of state shall file the articles. Provisions that would not be required to be included in restated articles of incorporation may be omitted, except that the name and address of the initial registered agent of the corporation must be included and the name of the corporation must satisfy the requirements of section 1302 of this act.

(4) If the foreign for-profit corporation is authorized to transact business in Washington state under chapter 23B.01 RCW, then its registration shall be terminated automatically on the effective date of its domestication and conversion and the secretary of state shall record the termination of registration.

NEW SECTION. Sec. 3319. EFFECT OF FOR-PROFIT DOMESTICATION AND CONVERSION.

(1) When a domestication and conversion of a foreign for-profit corporation to a domestic nonprofit corporation becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the corporation remains in the corporation without reversion or impairment;

(b) The liabilities of the corporation remain the liabilities of the corporation;

(c) An action or proceeding pending against the corporation continues against the corporation as if the domestication and conversion had not occurred;

(d) The articles of domestication and conversion, or the articles attached to

the articles of domestication and conversion, constitute the articles of incorporation of the corporation;

(e) Memberships, securities, obligations, rights to acquire memberships or securities of the corporation, or cash or other property must be issued or paid as provided pursuant to the laws of the foreign jurisdiction;

(f) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made to or for the foreign for-profit corporation before or after the domestication and conversion, inures to the domestic nonprofit corporation, subject to the express terms of the will or other instrument and to applicable law of the foreign jurisdiction; and

(g) The corporation is deemed to be:

(i) A domestic corporation for all purposes; and

(ii) The same corporation without interruption as the foreign for-profit corporation.

(2) The interest holder liability of a shareholder of the foreign for-profit corporation who becomes a member of the domestic nonprofit corporation in the domestication and conversion is as follows:

(a) The domestication and conversion does not discharge any interest holder liability under the laws of the foreign jurisdiction to the extent the interest holder liability arose before the effective time of the articles of domestication and conversion.

(b) The member does not have interest holder liability under the laws of the foreign jurisdiction for any debt, obligation, or liability of the corporation that arises after the effective time of the articles of domestication and conversion.

(c) The provisions of the laws of the foreign jurisdiction continue to apply to the collection or discharge of any interest holder liability preserved by (a) of this subsection, as if the domestication and conversion had not occurred.

(d) The member has whatever rights of contribution from other members are provided by the laws of the foreign jurisdiction with respect to any interest

holder liability preserved by (a) of this subsection, as if the domestication and conversion had not occurred.

(3) A shareholder of a foreign for-profit corporation who becomes subject to interest holder liability for some or all of the debts, obligations, or liabilities of the corporation as a result of its domestication and conversion in this state has interest holder liability only for those debts, obligations, or liabilities of the corporation that arise after the effective time of the articles of domestication and conversion.

NEW SECTION. Sec. 3320. ABANDONMENT OF FOR-PROFIT DOMESTICATION AND CONVERSION. If the domestication and conversion of a foreign for-profit corporation to a domestic nonprofit corporation is abandoned in accordance with the laws of the foreign jurisdiction after articles of domestication and conversion have been filed by the secretary of state, then a statement that the domestication and conversion has been abandoned, executed by an officer or other authorized representative, must be delivered to the secretary of state for filing. The statement takes effect upon filing and the domestication and conversion is abandoned and does not become effective.

NEW SECTION. Sec. 3321. ENTITY CONVERSION FOR NONCHARITABLE CORPORATIONS. (1) A domestic nonprofit corporation, other than a charitable corporation, may become a domestic unincorporated entity pursuant to a plan of entity conversion only if the entity conversion is permitted under the organic law governing the entity that would survive the entity conversion.

(2) A domestic nonprofit corporation, other than a charitable corporation, may become a foreign unincorporated entity if the entity conversion is permitted by the laws of the foreign jurisdiction.

(3) A domestic unincorporated entity may be converted into a domestic nonprofit corporation only if applicable Washington state law provides procedures for the approval of an entity conversion into a domestic nonprofit corporation.

(4) A foreign unincorporated entity may become a domestic nonprofit corporation if the law of the foreign jurisdiction authorizes it to become a nonprofit corporation in another jurisdiction.

(5) If any provision of a debt security, note, or similar evidence of indebtedness for money borrowed, whether secured or unsecured, or a contract of any kind, issued, incurred, or executed by a domestic nonprofit corporation before January 1, 2022, applies to a merger of the corporation and the document does not refer to an entity conversion of the corporation, then the provision is deemed to apply to an entity conversion of the corporation until the provision is later amended.

NEW SECTION. Sec. 3322. PLAN OF ENTITY CONVERSION. (1) A plan of entity conversion shall include:

(a) A statement of the type of unincorporated entity the surviving entity will be and, if it will be a foreign unincorporated entity, its jurisdiction of organization;

(b) The terms and conditions of the conversion;

(c) The manner and basis of converting the memberships in the domestic nonprofit corporation following its conversion into interests or other securities, obligations, rights to acquire interests or other securities, cash, other property, or any combination of the foregoing;

(d) If the corporation is holding assets for charitable purposes, a plan setting forth how the corporation will comply with section 3304 (1) through (3) of this act; and

(e) The full text, as they will be in effect immediately following the conversion, of the organic documents of the surviving entity.

(2) The plan of entity conversion may also include a provision that the plan may be amended before filing articles of entity conversion, except that after approval of the plan by the members the plan may not be amended to change:

(a) The amount or kind of memberships or other securities, interests, obligations, rights to acquire memberships, securities, or interests, cash, or other property to be received under the plan by the members;

(b) The organic documents that will be in effect immediately following the conversion, except for changes permitted by a provision of the organic law of the surviving entity comparable to section 3104(2) of this act; or

(c) Any of the other terms or conditions of the plan if the change would adversely affect any of the members in any material respect.

(3) Terms of a plan of entity conversion may be made dependent upon facts objectively ascertainable outside the plan in accordance with section 1202(3) of this act.

NEW SECTION. Sec. 3323. ACTION ON A PLAN OF ENTITY CONVERSION. In the case of an entity conversion of a domestic nonprofit corporation to a domestic or foreign unincorporated entity:

(1) The plan of entity conversion must be adopted by a vote of the majority of the directors in office.

(2) If there are no members entitled to vote on the plan, then the plan must be adopted by a vote of the majority of directors then in office. If a membership corporation has no members entitled to vote on the plan, then the corporation shall deliver notice of the proposed entity conversion to all members of the corporation at least ten days before the meeting at which the board is to adopt the plan.

(3) After adopting the plan of entity conversion, the board shall submit the plan to the members for their approval if there are members entitled to vote on the plan. The board shall also deliver to the members a recommendation that the members approve the plan, unless the board determines that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board shall deliver to the members the basis for that determination.

(4) The board may condition its submission of the plan of entity conversion to the members on any basis.

(5) If the approval of the members is to be given at a meeting, then the corporation shall notify each member, whether or not entitled to vote, of the meeting of members at which the plan of entity conversion is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. The notice shall include a copy of the organic documents as they will be in effect immediately after the entity conversion. The notice may additionally be accompanied by a

summary of the required materials. If a summary is provided in lieu of a copy of the plan, then a copy of the plan must be available to members upon request and this fact must be stated in the notice. Such copy of the plan may be made available to members electronically.

(6) Unless the articles, or the board acting pursuant to subsection (3) of this section, requires a greater vote or a greater number of votes to be present, the approval of the plan of entity conversion by the members entitled to vote thereon requires the approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan of entity conversion, the approval of a majority of the members of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(7) If any provision of the articles, bylaws, or an agreement to which any of the directors or members are parties, adopted or entered into before January 1, 2022, applies to a merger of the corporation and the document does not refer to an entity conversion of the corporation, then the provision is deemed to apply to an entity conversion of the corporation until the provision is later amended.

(8) If, as a result of the conversion, one or more members of the corporation would become subject to interest holder liability for the debts, obligations, or liabilities of any other person or entity, then approval of the plan of conversion requires the execution, by each affected member, of a separate written consent to become subject to interest holder liability.

NEW SECTION. Sec. 3324. ARTICLES OF ENTITY CONVERSION. (1) After the conversion of a domestic nonprofit corporation to a domestic or foreign unincorporated entity has been adopted and approved as required under sections 3301 through 3326 of this act, articles of entity conversion must be executed on behalf of the converting corporation by an officer of the corporation. The articles must:

(a) Set forth the name of the corporation immediately before the filing of the articles of entity conversion and the name to which the name of the corporation is to be changed, which must be a name that satisfies the

organic law of the surviving entity if the surviving entity is a domestic entity;

(b) State whether the corporation is holding assets for charitable purposes;

(c) If the corporation is holding assets for charitable purposes, state that the attorney general has approved, or is deemed to have approved, the entity conversion pursuant to section 3304(4) of this act;

(d) State the type of unincorporated entity that the surviving entity will be and its jurisdiction of organization;

(e) State that the plan of entity conversion was approved in the manner required by this chapter; and

(f) If the surviving entity is a domestic filing entity, either contain all of the provisions required to be set forth in its public organic record and any other desired provisions that are permitted, or have attached a public organic record.

(2) After the conversion of a domestic unincorporated entity to a domestic nonprofit corporation has been adopted and approved as required by the organic law of the unincorporated entity, articles of entity conversion must be executed on behalf of the unincorporated entity by an officer or other authorized representative. The articles must:

(a) Set forth the name of the unincorporated entity immediately before the filing of the articles of entity conversion and the name to which the name of the unincorporated entity is to be changed, which must be a name that satisfies the requirements of section 1302 of this act;

(b) Set forth a statement that the plan of entity conversion was approved in accordance with the organic law of the unincorporated entity; and

(c) Either contain all of the provisions that section 1303(1) of this act requires to be set forth in articles of incorporation and any other desired provisions that section 1303(2) and (3) of this act permit to be included in articles of incorporation, or have attached articles of incorporation that comply with this act.

(3) After the conversion of a foreign unincorporated entity to a domestic nonprofit corporation has been

authorized as required by the laws of the foreign jurisdiction, articles of entity conversion must be executed on behalf of the foreign unincorporated entity by an officer or other authorized representative. The articles must:

(a) Set forth the name of the unincorporated entity immediately before the filing of the articles of entity conversion and the name to which the name of the unincorporated entity is to be changed, which must be a name that satisfies the requirements of section 1302 of this act;

(b) Set forth the jurisdiction under the laws of which the unincorporated entity was organized immediately before the filing of the articles of entity conversion and the date on which the unincorporated entity was organized in that jurisdiction;

(c) Set forth a statement that the conversion of the unincorporated entity was approved in the manner required by the law of the foreign jurisdiction; and

(d) Either contain all of the provisions that section 1303(1) of this act requires to be set forth in articles of incorporation and any other desired provisions that section 1303 (2) and (3) of this act permit to be included in articles of incorporation, or have attached articles of incorporation that comply with this act; except that, in either case, provisions that would not be required to be included in restated articles of incorporation of a domestic nonprofit corporation may be omitted.

(4) The articles of entity conversion and articles of incorporation must be simultaneously delivered to the secretary of state for filing. The articles of entity conversion and articles of incorporation take effect at the effective time provided in RCW 23.95.210. Articles of entity conversion filed under subsection (1) or (2) of this section may be combined with any required conversion filing under the organic law of the domestic unincorporated entity if the combined filing satisfies the requirements of both this section and the other organic law.

(5) If the converting entity is a foreign unincorporated entity that is registered to do business in this state under chapter 23.95 RCW, then its registration statement is canceled automatically on the effective date of its conversion.

NEW SECTION. **Sec. 3325.** EFFECT OF ENTITY CONVERSION. (1) Except as provided in section 3304 of this act, when a conversion under sections 3301 through 3326 of this act becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the converting entity remains in the surviving entity without reversion or impairment;

(b) The liabilities of the converting entity remain the liabilities of the surviving entity;

(c) An action or proceeding pending against the converting entity continues against the surviving entity as if the conversion had not occurred;

(d) In the case of a surviving entity that is a filing entity, its articles or public organic record and its private organic rules become effective;

(e) In the case of a surviving entity that is a nonfiling entity, its private organic rules become effective;

(f) The memberships or interests of the converting entity are reclassified into memberships, interests, other securities, obligations, rights to acquire memberships, interests, or securities, or into cash or other property in accordance with the plan of conversion; and the members or interest holders of the converting entity are entitled only to the rights provided to them under the terms of the conversion and to any appraisal rights they may have under the organic law of the converting entity;

(g) A devise, bequest, gift, grant, or promise contained in a will or other instrument, in trust or otherwise, made to or for the converting entity before or after the conversion, inures to the surviving entity, subject to the express terms of the will or other instrument; and

(h) The surviving entity is deemed to be:

(i) Incorporated or organized under and subject to the organic law of the converting entity for all purposes; and

(ii) The same nonprofit corporation or unincorporated entity without interruption as the converting entity.

(2) A member who becomes subject to interest holder liability for some or all

of the debts, obligations, or liabilities of the surviving entity has interest holder liability only for those debts, obligations, or liabilities of the surviving entity that arise after the effective time of the articles of entity conversion.

(3) The interest holder liability of an interest holder in an unincorporated entity that converts to a domestic nonprofit corporation is as follows:

(a) The conversion does not discharge any interest holder liability under the organic law of the unincorporated entity to the extent the interest holder liability arose before the effective time of the articles of entity conversion.

(b) The interest holder does not have interest holder liability under the organic law of the unincorporated entity for any debt, obligation, or liability of the corporation that arises after the effective time of the articles of entity conversion.

(c) The provisions of the organic law of the unincorporated entity continue to apply to the collection or discharge of any interest holder liability preserved by (a) of this subsection, as if the conversion had not occurred.

(d) The interest holder has whatever rights of contribution from other interest holders are provided by the organic law of the unincorporated entity with respect to any interest holder liability preserved by (a) of this subsection, as if the conversion had not occurred.

NEW SECTION. Sec. 3326. ABANDONMENT OF ENTITY CONVERSION. (1) Unless otherwise provided in a plan of entity conversion of a domestic nonprofit corporation, after the plan has been adopted and approved as required by sections 3301 through 3326 of this act, and at any time before the entity conversion has become effective, it may be abandoned by the members if there are members entitled to vote, or by the board without action by the members.

(2) If an entity conversion is abandoned after articles of entity conversion have been filed by the secretary of state but before the entity conversion has become effective, then a statement that the entity conversion has been abandoned in accordance with this section, executed by an officer of the corporation, must be delivered to the

secretary of state for filing before the effective date of the entity conversion. Upon filing, the statement takes effect and the entity conversion is abandoned and does not become effective.

ARTICLE 4

DISPOSITION OF ASSETS

NEW SECTION. Sec. 3401. DISPOSITIONS NOT REQUIRING MEMBER APPROVAL. Unless the articles or bylaws otherwise provide, approval of the members of a nonprofit corporation is not required:

(1) To sell, lease, exchange, or otherwise dispose of any or all of the corporation's assets:

(a) In the usual and regular course of its activities; or

(b) If the assets disposed of represent less than fifty percent of the total assets of the corporation and its consolidated subsidiaries, determined as of the end of the most recently completed fiscal year;

(2) To mortgage, pledge, dedicate to the repayment of indebtedness whether with or without recourse, or otherwise encumber any or all of the corporation's assets, whether or not in the usual and regular course of business its activities; or

(3) To transfer any or all of the corporation's assets to one or more corporations or other entities all of the memberships or interests of which are owned by the corporation.

NEW SECTION. Sec. 3402. DISPOSITIONS REQUIRING MEMBER APPROVAL. (1) A sale, lease, exchange, or other disposition of assets, other than a disposition described in section 3401 of this act, requires approval of the corporation's members that are entitled to vote on the disposition, unless the articles or bylaws otherwise provide.

(2) A disposition that requires approval of the members must be initiated by a resolution by the board authorizing the disposition. After adoption of the resolution, the board shall submit the proposed disposition to the members for their approval. The board shall also deliver to the members a recommendation that the members approve the proposed disposition, unless the board makes a determination that because of conflicts of interest or other special circumstances it should not make a

recommendation, in which case the board shall deliver to the members the basis for that determination.

(3) The board may condition its submission of a disposition to the members under subsection (2) of this section on any basis.

(4) If a disposition is required to be approved by the members, and if the approval is to be given at a meeting, then the nonprofit corporation shall give notice to each member, whether or not entitled to vote, of the meeting of members at which the disposition is to be submitted for approval. The notice shall state that the purpose, or one of the purposes, of the meeting is to consider the disposition and must contain a description of the disposition, including the terms and conditions thereof and the consideration to be received by the corporation.

(5) Unless the articles, bylaws, or the board acting pursuant to subsection (3) of this section requires a greater vote, or a greater number of votes to be present, the approval of a disposition by the members entitled to vote thereon requires the approval of a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the disposition, the approval of a majority of the members of each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

(6) If a membership corporation has no members entitled to vote on a disposition, then the corporation shall deliver notice of a proposed disposition to all members of the corporation at least ten days before the meeting at which the board is to act upon the disposition.

(7) After a disposition has been approved by the members under subsection (5) of this section, and at any time before the disposition has been consummated, it may be abandoned by the nonprofit corporation without action by the members, subject to any contractual rights of other parties to the disposition.

(8) In addition to the approval of a disposition of assets by the board and members as required by this section, the disposition must also be approved in the form of a record by any person or group of persons whose approval is required

under section 3114 of this act to amend the articles or bylaws.

(9) The assets of a direct or indirect consolidated subsidiary are deemed the assets of the parent nonprofit corporation for the purposes of this section.

(10) A disposition of assets in the course of a dissolution governed by sections 3501 through 3512 of this act is not governed by sections 3401 through 3405 of this act.

NEW SECTION. **Sec. 3403.** EFFECT OF DISPOSITIONS. Unless a domestic entity that is a party to a disposition of assets obtains an appropriate order of the court or approval from the attorney general under the law of this state, a disposition of assets under sections 3401 through 3405 of this act may not affect:

(1) Any restriction imposed upon the entity by its organic documents or other governing authority that may not be amended by its directors, members, or interest holders; or

(2) The existing rights of persons other than members, shareholders, or interest holders of the entity.

NEW SECTION. **Sec. 3404.** PROPERTY HELD FOR CHARITABLE PURPOSES. (1) In a disposition of assets under sections 3401 through 3405 of this act, property held for charitable purposes by a nonprofit corporation may not be diverted from charitable purposes.

(2) Property held by a nonprofit corporation and restricted to charitable purposes by a gift instrument may not be diverted from the restricted charitable purpose by a disposition of assets under sections 3401 through 3405 of this act unless modified in accordance with section 1503 of this act.

(3) Property held for charitable purposes pursuant to a trust instrument governed by chapter 11.110 RCW in which the nonprofit corporation is a trustee or a beneficiary may not be diverted from the charitable purposes specified in the trust instrument unless those purposes are modified by the court or pursuant to an agreement between all interested parties, including the attorney general, under chapter 11.96A RCW.

(4) Property held by a nonprofit corporation for charitable purposes upon condition requiring return, transfer, or conveyance, which condition occurs by

reason of a disposition of assets under sections 3401 through 3405 of this act, must be returned, transferred, or conveyed in accordance with that condition.

(5) A charitable corporation or a corporation holding property for charitable purposes shall deliver to the attorney general of its intent to consummate a disposition, other than a disposition described in section 3401 of this act. The notice must be delivered to the attorney general in the form of a record at least twenty days before the meeting at which the proposed disposition is to be approved. Such a disposition may not be implemented without the approval of the attorney general, or the approval of the court in a proceeding to which the attorney general is made a party. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the disposition, approval of the disposition is deemed to have been given.

(6) The notice described in subsection (5) of this section shall include:

(a) A statement specifying how the disposition will comply with subsections (1) through (4) of this section; and

(b) A brief description of:

(i) Real property held for charitable purposes that will be included in the disposition, and its nature and location;

(ii) Cash, bank deposits, brokerage accounts, or other financial assets held for charitable purposes that will be included in the disposition in full or in part, and their approximate total fair market value;

(iii) Other personal property held for charitable purposes that will be included in the disposition, and its nature and approximate total fair market value; and

(iv) Any gift restrictions applicable to any property described in (b)(i) through (iii) of this subsection, and the nature of those restrictions.

NEW SECTION. Sec. 3405. PROHIBITION OF FINANCIAL BENEFIT. A person who is a member or otherwise affiliated with a charitable corporation may not receive a direct or indirect financial benefit in connection with a disposition of assets governed by sections 3401 through 3405 of this act unless the person is a

charitable corporation, the federal government, a tribal government, a state or local government, a governmental subdivision, or an unincorporated entity that has charitable purposes. This section does not apply to the receipt of reasonable compensation for services rendered.

ARTICLE 5

VOLUNTARY DISSOLUTION

NEW SECTION. **Sec. 3501.**

AUTHORIZATION OF VOLUNTARY DISSOLUTION.

(1) Unless the articles or bylaws require a greater vote, a majority of the directors in office of a nonprofit corporation may authorize the dissolution of any nonprofit corporation that is not a membership corporation or is a membership corporation but has no members entitled to vote on its dissolution.

(2) If a membership corporation has no members entitled to vote on dissolution, then the corporation shall deliver notice of the proposed dissolution to all members of the corporation at least ten days before the meeting at which the board is to authorize the dissolution.

(3) For a membership corporation that has members that are entitled to vote on its dissolution:

(a) The board may propose dissolution for submission to the members entitled to vote, and for such a proposal to dissolve to be authorized:

(i) The board shall recommend dissolution to the members entitled to vote on the dissolution, unless the board determines that because of conflict of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the members entitled to vote on the dissolution;

(ii) The board may condition its submission of the proposal for dissolution on any basis, including approval of the proposed plan of distribution if required under section 3502 of this act;

(iii) The nonprofit corporation shall give notice to each member, whether or not entitled to vote, of the proposed meeting of members that includes the following statements:

(A) That the purpose, or one of the purposes, of the meeting is to consider dissolving the corporation; and

(B) How the assets of the corporation will be distributed after all creditors have been paid or how the distribution of assets will be determined; and

(iv) The members entitled to vote on the dissolution shall approve the proposal to dissolve as provided in (b) of this subsection.

(b) Unless the articles, the bylaws, or the board acting pursuant to (a)(ii) of this subsection requires a greater vote or a greater number of members to be present, the adoption of the proposal to dissolve by the members entitled to vote thereon requires the approval of at least a majority of those members at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the proposal, the approval by a majority of the members in each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present.

NEW SECTION. Sec. 3502. DISTRIBUTION OF ASSETS ON DISSOLUTION. The assets of a corporation in the process of dissolution shall be applied and distributed in the following order:

(1) All known liabilities and obligations of the corporation must be paid, satisfied, and discharged, or adequate provision must be made to pay, satisfy, and discharge those liabilities.

(2) All property held for charitable purposes by the corporation, including all assets of a charitable corporation remaining after satisfaction of subsection (1) of this section, must be applied and distributed consistently with the corporation's articles, such that property is not diverted from charitable purposes, and as follows:

(a) Property held for charitable purposes pursuant to a trust instrument in which the nonprofit corporation is a trustee or a beneficiary must be governed by and distributed in accordance with the trust instrument and chapter 11.110 RCW, and any modification of restrictions imposed through the trust instrument accomplished through an appropriate order of the court or the agreement of all interested parties, including the attorney general, pursuant to chapter 11.96A RCW.

(b) Property owned outright and held for charitable purposes, but not held upon a condition requiring return, transfer, or conveyance by reason of the dissolution and not subject to any gift restriction, must be transferred or conveyed:

(i) To one or more entities operated exclusively for one or more charitable purposes;

(ii) To the federal government, a tribal government, or a state or local government for a public purpose; or

(iii) Subject to one or more gift restrictions requiring the property to be used exclusively for the same charitable purposes for which the dissolving corporation holds the property.

(c) Property that is subject to charitable purpose or management or investment restrictions that do not require modification at the time of dissolution and is not held upon a condition requiring return, transfer, or conveyance by reason of the dissolution must be transferred or conveyed subject to all restrictions applicable to the property, except to the extent restrictions are modified pursuant to section 1503 of this act before distribution, pursuant to a plan of distribution adopted by the board and as provided by sections 3501 through 3512 of this act.

(d) Property subject to charitable purpose or management or investment restrictions that require modification at the time of dissolution and are not held upon a condition requiring return, transfer, or conveyance by reason of dissolution, must be modified pursuant to section 1503 of this act before the gifts can be distributed, pursuant to a plan of distribution adopted by the board and as provided by sections 3501 through 3512 of this act.

(e) Property held for charitable purposes by the nonprofit corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution, must be returned, transferred, or conveyed in accordance with those requirements.

(3) Property held by a corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution, must be returned, transferred, or conveyed in

accordance with the requirements of the condition.

(4) Other assets of a corporation other than a charitable corporation, if any, must be distributed:

(a) To members or other persons in accordance with the articles or bylaws, to the extent that the articles or bylaws determine the rights of members to distributions upon dissolution, or provide for distribution to other persons or classes of persons; and

(b) To the extent that the articles or bylaws do not govern distribution of assets on dissolution, to any persons the board may select.

NEW SECTION. Sec. 3503. CORPORATIONS HOLDING PROPERTY FOR CHARITABLE PURPOSES. (1) A nonprofit corporation holding property for charitable purposes, including any charitable corporation, may not deliver articles of dissolution to the secretary of state for filing pursuant to section 3504 of this act until it has complied with all of the requirements of this section.

(2) A nonprofit corporation described in subsection (1) of this section shall adopt a plan for the distribution of assets for the purpose of authorizing any transfer or conveyance of property held for charitable purposes, which shall:

(a) Be consistent with sections 3502 and 3506 of this act; and

(b) Include a brief description of the following:

(i) Real property held for charitable purposes, and its nature and location;

(ii) Cash, bank deposits, brokerage accounts, or other financial assets held for charitable purposes, and their approximate total fair market value;

(iii) Other personal property held for charitable purposes, and its nature and approximate total fair market value; and

(iv) Any gift restrictions applicable to any property described in (b)(i) through (iii) of this subsection, and the nature of those restrictions.

(3) A plan of distribution shall be adopted in the following manner:

(a) Where there are no members, or no members having voting rights, a plan of distribution is adopted at a meeting of

the board upon receiving a vote of a majority of the directors in office.

(b) Where there are members having voting rights, the board shall adopt a resolution recommending a plan of distribution and directing the submission thereof to a vote at a meeting of members having voting rights. Such vote may take place at the same meeting during which members having voting rights vote upon dissolution of the nonprofit corporation. Notice in the form of a record setting forth the proposed plan of distribution or a summary thereof must be given to each member, whether or not entitled to vote at the meeting, within the time and in the manner provided in this chapter for the giving of notice of meetings of members. Such plan of distribution is adopted upon receiving votes from a majority of the members entitled to vote at a meeting at which a quorum is present, and, if any class of members is entitled to vote as a separate group on the plan, the approval by a majority of the members in each separate voting group entitled to vote at a meeting at which a quorum of the voting group is present. If the members entitled to vote on the dissolution approve the proposal to dissolve but do not approve the proposed plan of distribution in all material respects, then the board may either accept the plan of distribution, as approved by the members, or propose a new plan of distribution to the members for approval. This process shall continue until a plan of distribution acceptable to the board has been approved by the members. If successive votes take place at the same meeting of members, then no further notices or meetings are required.

(4) A nonprofit corporation described in subsection (1) of this section shall give the attorney general notice that it intends to dissolve. The notice shall include:

(a) A copy of the plan of distribution proposed to be adopted in accordance with subsection (3) of this section; and

(b) The names and phone numbers of individuals available to answer questions regarding the dissolution and proposed plan of distribution.

(5) Notice required under subsection (4) of this section must be delivered to the attorney general in the form of a record at least twenty days before the meeting at which the proposed plan is to be adopted. No plan of distribution for

a corporation described in subsection (1) of this section may be implemented without the approval of the attorney general, or the approval of the court in a proceeding to which the attorney general is made a party. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the plan, approval of the plan is deemed to have been given.

NEW SECTION. Sec. 3504. ARTICLES OF DISSOLUTION. (1) At any time after dissolution is authorized, the nonprofit corporation may dissolve by filing with the secretary of state articles of dissolution, accompanied by a revenue clearance certificate issued pursuant to RCW 82.32.260. The articles of dissolution shall set forth:

- (a) The name of the corporation;
- (b) The date of its incorporation;
- (c) The effective date of the dissolution, which may be the date on which the articles of dissolution are filed or any date and time up to thirty days thereafter;
- (d) Whether it is a membership corporation and, if it is a membership corporation, whether it has members that have a right to vote on its dissolution;
- (e) If the corporation is not a membership corporation or has no members that have a right to vote on its dissolution, that the dissolution was authorized by the requisite number of directors;
- (f) If the corporation is a membership corporation that has members that have a right to vote on its dissolution, that the requisite number of members has approved the proposal to dissolve;
- (g) Whether the corporation is a charitable corporation or is holding property for charitable purposes;
- (h) If the corporation is a charitable corporation or is holding property for charitable purposes, that the attorney general has approved, or is deemed to have approved, the corporation's plan of distribution pursuant to section 3503 of this act; and
- (i) That the net assets of the corporation remaining after winding up have been, or will be, distributed in

accordance with the corporation's articles and bylaws and the corporation's adopted plan of distribution.

(2) A nonprofit corporation is dissolved upon the effective date of its articles of dissolution.

(3) For purposes of sections 3501 through 3512 of this act, "dissolved corporation" means a nonprofit corporation whose articles of dissolution have become effective and includes a liquidating trust, if any, or other acquirer entity to which the remaining assets of the corporation are transferred subject to its liabilities for purposes of liquidation.

NEW SECTION. Sec. 3505. REVOCATION OF DISSOLUTION. (1) A nonprofit corporation may revoke its dissolution within one hundred twenty days of the effective date of the dissolution.

(2) Revocation of dissolution must be authorized in the same manner as the dissolution was authorized unless that authorization permitted revocation by action of the board alone, in which event the board may revoke the dissolution without action by the members.

(3) Except as provided in subsection (4) of this section, after the revocation of dissolution is authorized, the nonprofit corporation may revoke the dissolution by delivering to the secretary of state for filing articles of revocation of dissolution, together with a copy of its articles of dissolution, that set forth:

- (a) The name of the corporation;
- (b) The effective date of the dissolution that was revoked;
- (c) The date that the revocation of dissolution was authorized; and
- (d) That the revocation of dissolution was approved in the manner required by this chapter and by the articles and bylaws.

(4) A charitable corporation or a nonprofit corporation holding property restricted to charitable purposes shall not deliver articles of revocation of dissolution to the secretary of state for filing without the approval of the attorney general. Such a corporation shall give the attorney general notice in the form of a record that it intends to revoke its dissolution, to which notice a copy of the articles of revocation of

dissolution adopted in accordance with subsection (2) of this section must be attached. In the event that the attorney general does not deliver a notice of objection in the form of a record to the corporation within twenty days after the delivery to the attorney general of notice of the revocation of dissolution, approval of the revocation of dissolution is deemed to have been given.

(5) Revocation of dissolution is effective upon the effective date of the articles of revocation of dissolution.

(6) When the revocation of dissolution is effective, it relates back to and takes effect as of the effective date of the dissolution and the nonprofit corporation resumes carrying on its activities as if dissolution had never occurred.

NEW SECTION. Sec. 3506. EFFECT OF DISSOLUTION.

(1) A nonprofit corporation, the dissolution of which has been authorized, continues its corporate existence but may not carry on any activities except those appropriate to wind up and liquidate its affairs, including:

- (a) Collecting its assets;
- (b) Disposing of its properties that will not be distributed in kind;
- (c) Discharging or making provision for discharging its liabilities;
- (d) Distributing its remaining property as required by the plan of distribution; and
- (e) Doing every other act necessary to wind up and liquidate its activities and affairs.

(2) Dissolution of or authorization to dissolve a nonprofit corporation does not:

- (a) Transfer title to the corporation's property;
- (b) Subject its directors or officers to standards of conduct different from those prescribed in sections 2402 and 2602 of this act;
- (c) Change quorum or voting requirements for its board or members; change provisions for selection, resignation, or removal of its directors or officers or both; or change provisions for amending its bylaws;

(d) Prevent commencement of a proceeding by or against the corporation in its corporate name;

(e) Abate or suspend a proceeding pending by or against the corporation on the effective date of dissolution;

(f) Terminate the authority of the registered agent of the corporation; or

(g) Modify any gift restriction, unless the restriction is modified in accordance with section 1503 of this act.

NEW SECTION. Sec. 3507. PROHIBITION OF FINANCIAL BENEFIT. No person may receive a direct or indirect financial benefit in connection with the dissolution of a charitable corporation unless the person is an entity operated exclusively for one or more charitable purposes, the federal government, a tribal government, a state or local government, or an unincorporated entity that has charitable purposes. This section does not apply to the receipt of reasonable compensation for services rendered.

NEW SECTION. Sec. 3508. KNOWN CLAIMS AGAINST DISSOLVED CORPORATION. (1) A dissolved nonprofit corporation shall deliver notice of the dissolution in the form of a record to all of the corporation's known claimants within thirty days of the date when the corporation delivered articles of dissolution to the secretary of state for filing.

(2) A dissolved nonprofit corporation may dispose of the known claims against it by delivering a notice in the form of a record that meets the requirements listed in subsection (3) of this section to its known claimants at any time after the date when the corporation delivered articles of dissolution to the secretary of state for filing. Delivery of a notice under this subsection shall satisfy the requirement of subsection (1) of this section if the notice is delivered to all known claimants within thirty days of the date when the corporation delivered articles of dissolution to the secretary of state for filing.

(3) A notice to claimants under subsection (2) of this section must:

- (a) Describe information that must be included in a claim;
- (b) Provide a mailing address where a claim may be sent;

(c) State the deadline, which may not be fewer than one hundred twenty days from the effective date of the notice, by which the dissolved nonprofit corporation must receive the claim; and

(d) State that the claim will be barred if not received by the deadline.

(4) A claim against the dissolved nonprofit corporation is barred:

(a) If a claimant who was given notice under subsection (2) of this section does not deliver the claim to the dissolved corporation by the deadline; or

(b) If a claimant whose claim was rejected by the dissolved corporation does not commence a proceeding to enforce the claim within ninety days from the effective date of the rejection notice.

(5) For purposes of this section, "claim" does not include a contingent liability or a claim based on an event occurring after the effective date of dissolution.

NEW SECTION. Sec. 3509. OTHER CLAIMS AGAINST DISSOLVED CORPORATION. (1) A dissolved nonprofit corporation may publish notice of its dissolution and request that persons with claims against the dissolved corporation present them in accordance with the notice.

(2) The notice must:

(a) Be published three times during three successive weeks in a newspaper of general circulation in the county where the principal office of the dissolved nonprofit corporation or, if none in this state, its registered office is or was last located;

(b) Describe the information that must be included in a claim and provide a mailing address where the claim shall be sent; and

(c) State that a claim against the dissolved corporation will be barred unless a proceeding to enforce the claim is commenced within three years after the last publication of the notice.

(3) If the dissolved nonprofit corporation publishes a newspaper notice in accordance with subsection (2) of this section, then the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within three years after the last publication date of the newspaper notice:

(a) A claimant who was not given notice under section 3508 of this act;

(b) A claimant whose claim was timely sent to the dissolved corporation but not acted on; or

(c) A claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.

NEW SECTION. Sec. 3510. ENFORCEMENT OF CLAIMS. A claim that is not barred by section 3508(4) or 3509(3) of this act may be enforced:

(1) Against the dissolved nonprofit corporation, to the extent of its undistributed assets; or

(2) Except as provided in section 3511(4) of this act, if the assets have been distributed in liquidation, against any person, other than a creditor of the dissolved corporation, to whom the corporation distributed its property, subject to the following restrictions:

(a) Recovery is limited to the amount of the distributee's pro rata share of the claim or the corporate assets distributed to the distributee in liquidation, whichever is less;

(b) A distributee's total liability for all claims under this section may not exceed the total amount of assets distributed to the distributee; and

(c) A distributee is only liable to the extent permitted by existing common law or statutory remedies, and nothing in this section creates a separate cause of action against a distributee.

NEW SECTION. Sec. 3511. COURT PROCEEDINGS. (1) A dissolved nonprofit corporation that has published a notice under section 3508 of this act may file an application with the court for a determination of the amount and form of security to be provided for payment of claims that are contingent or have not been made known to the dissolved corporation or that are based on an event occurring after the effective date of dissolution but that, based on the facts known to the dissolved corporation, are reasonably estimated to be presented after the effective date of dissolution. Provision need not be made for any claim that is or is reasonably anticipated to be barred under section 3508(3) of this act.

(2) Within ten days after the filing of the application, the dissolved

corporation shall give notice of the proceeding to each claimant holding a contingent claim whose contingent claim is shown on the records of the dissolved corporation.

(3) The court may appoint a special representative to represent the interests of all claimants whose identities are unknown in any proceeding brought under this section. The dissolved corporation shall pay reasonable fees and expenses of the special representative, including all reasonable expert witness fees.

(4) Provision by the dissolved nonprofit corporation for security in the amount and the form ordered by the court under this section satisfies the dissolved corporation's obligations with respect to claims that are contingent, have not been made known to the dissolved corporation, or are based on an event occurring after the effective date of dissolution. Such claims may not be enforced against a person who received assets in liquidation.

NEW SECTION. Sec. 3512. DIRECTORS' DUTIES. (1) Directors shall cause the dissolved corporation to discharge or make reasonable provision for the payment of claims and make distributions of assets in accordance with the plan of distribution after payment or provision for claims.

(2) Directors of a dissolved corporation that has disposed of claims under section 3508, 3509, or 3511 of this act are not liable for breach of subsection (1) of this section with respect to claims against the dissolved corporation that are barred or satisfied under section 3508, 3509, or 3511 of this act.

(3) Failure to dispose of claims under section 3508, 3509, or 3511 of this act is not, in and of itself, a violation of this section.

ARTICLE 6

ADMINISTRATIVE AND JUDICIAL DISSOLUTION

NEW SECTION. Sec. 3601. ADMINISTRATIVE DISSOLUTION. The secretary of state may commence a proceeding under RCW 23.95.610 to administratively dissolve a nonprofit corporation for any reason set forth in RCW 23.95.605.

NEW SECTION. Sec. 3602. PROCEDURE AND EFFECT OF ADMINISTRATIVE DISSOLUTION. (1) Administrative dissolution does not terminate, bar, or otherwise modify any claim against the administratively dissolved corporation.

(2) A person is not liable in contract, tort, or otherwise solely by reason of being a director, officer, or member of a nonprofit corporation that was dissolved under sections 3601 through 3608 of this act, with respect to the activities or affairs of the corporation that have been continued, without knowledge of the dissolution.

NEW SECTION. Sec. 3603. PROPERTY HELD FOR CHARITABLE PURPOSES. (1) If a charitable corporation, or a corporation holding property for charitable purposes, has been administratively dissolved and has not been reinstated, then neither the corporation nor any other person may transfer or distribute to any other person any property held for charitable purposes by the corporation unless the corporation has:

(a) Adopted a plan of distribution satisfying the requirements of section 3503(2) of this act and following the procedure set out in section 3503(3) of this act; and

(b) Obtained the approval or deemed approval of the attorney general of the plan of distribution, following the procedure set out in section 3503 (4) and (5) of this act.

(2) A corporation that has been administratively dissolved is not required to apply for reinstatement if its only activities will consist of adopting a plan of distribution, obtaining the approval or deemed approval of the attorney general of the plan of distribution, and distributing assets in accordance with the plan of distribution.

NEW SECTION. Sec. 3604. REINSTATEMENT OF ADMINISTRATIVELY DISSOLVED CORPORATION. A nonprofit corporation administratively dissolved under RCW 23.95.610 may apply to the secretary of state for reinstatement by following the procedure and meeting the requirements set forth in RCW 23.95.615. A nonprofit corporation denied reinstatement may obtain judicial review of the denial within the time specified in RCW 23.95.620.

NEW SECTION. **Sec. 3605.** JUDICIAL DISSOLUTION. The court may dissolve a nonprofit corporation:

(1) In a proceeding by the attorney general, if it is established that:

(a) The corporation obtained its articles through fraud; or

(b) The corporation has exceeded or abused, and is continuing to exceed or abuse, the authority conferred upon it by law; or

(c) The directors are deadlocked in the management of the corporate affairs; the members, if any, are unable to break the deadlock; and irreparable injury to the corporation or its purposes is threatened or being suffered because of the deadlock; or

(d) The corporation is misapplying or wasting property held for charitable purposes;

(2) Except as provided in the articles or bylaws, in a proceeding by fifty members or members holding at least five percent of the voting power, whichever is less, or by a director, if it is established that:

(a) The directors are deadlocked in the management of the corporate affairs; the members, if any, are unable to break the deadlock; and irreparable injury to the corporation or its mission is threatened or being suffered because of the deadlock;

(b) The directors or those in control of the corporation have acted, are acting, or have expressed intent to act in a manner that is illegal, oppressive, or fraudulent;

(c) The members are deadlocked in voting power and have failed, for a period that includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have, or otherwise would have, expired;

(d) The corporate assets are being misapplied or wasted; or

(e) The corporation has insufficient assets to continue its activities and it is no longer able to assemble a quorum of directors or members;

(3) In a proceeding by a creditor, if it is established that:

(a) The creditor's claim has been reduced to judgment, the execution on the

judgment returned unsatisfied, and the corporation is insolvent; or

(b) The corporation has admitted in a record that the creditor's claim is due and owing and the corporation is insolvent; or

(4) In a proceeding by the corporation to have its voluntary dissolution continued under court supervision.

NEW SECTION. **Sec. 3606.** PROCEDURE FOR JUDICIAL DISSOLUTION. (1) It is not necessary to make directors or members parties to a proceeding to dissolve a nonprofit corporation unless relief is sought against them individually.

(2) A person commencing a proceeding to dissolve a nonprofit corporation shall notify the attorney general of the proceeding in the form of a record if:

(a) The corporation is recognized by the internal revenue service as an organization described in section 501(c)(3) of the Internal Revenue Code; or

(b) The person bringing the proceeding knows that the nonprofit corporation is a charitable corporation or has property held for charitable purposes.

(3) The court in a proceeding brought to dissolve a nonprofit corporation may issue injunctions, take other action required to preserve the corporate assets wherever located, and carry on the activities of the corporation until a full hearing can be held.

NEW SECTION. **Sec. 3607.** RECEIVERSHIP. The court in a judicial proceeding brought to dissolve a nonprofit corporation may appoint one or more receivers to wind up and liquidate, or to manage, the affairs of the corporation, pursuant to chapter 7.60 RCW.

NEW SECTION. **Sec. 3608.** DECREE OF DISSOLUTION. (1) If, after a hearing, the court determines that one or more grounds for judicial dissolution described in section 3605 of this act exist, then it may enter a decree dissolving the nonprofit corporation and specifying the effective date of the dissolution, and the clerk of the court shall deliver a certified copy of the decree to the secretary of state, who shall file it.

(2) After entering a decree of dissolution, the court shall direct the

winding up and liquidation of the nonprofit corporation's affairs in accordance with section 3506 of this act and the notification of claimants in accordance with sections 3508 and 3509 of this act.

PART IV

ACTIONS INVOLVING NONPROFIT CORPORATIONS

ARTICLE 1

SUPERVISION OF PROPERTY HELD FOR CHARITABLE PURPOSES

NEW SECTION. **Sec. 4101.** NOTICE TO ATTORNEY GENERAL. (1) Every notice to the attorney general required under this chapter must be served upon the attorney general. Service upon the attorney general must be via United States mail, postage prepaid, or by other means as authorized by the attorney general.

(2) Every notice to the attorney general under this chapter shall identify the provisions of this chapter relevant to the subject matter of the notice.

(3) Any person that has commenced any proceeding which this chapter authorizes the attorney general to bring, including but not limited to any proceeding involving a charitable corporation or property held for charitable purposes brought under section 1502, 1505, 2702, 3510, 3605, or 4203 of this act, shall serve notice of the commencement of the proceeding upon the attorney general. Any other party to such a proceeding may serve notice of the commencement of the proceeding upon the attorney general. To be valid, the notice must identify that it is being given pursuant to this subsection. The attorney general may waive this notice at any time.

(4) Notice to the attorney general is effective:

(a) Five days after its deposit in the United States mail, only if the postage is paid and the notice is correctly addressed; or

(b) When given, if the notice is delivered in any other manner that the attorney general has authorized.

NEW SECTION. **Sec. 4102.** ACTIONS TO SECURE PROPERTY HELD FOR CHARITABLE PURPOSES. The attorney general may commence in the court described in section 1105 of this act any action or proceeding to:

(1) Ensure compliance by a nonprofit corporation, or its members, directors, officers, employees, or agents, with any provision of this chapter that governs the distribution, disposition, management, or expenditure of, or reporting obligations relating to, any property held for charitable purposes;

(2) Secure the proper administration of a charitable corporation, or of property held for charitable purposes by a nonprofit corporation, when reasonably necessary to protect property held for charitable purposes; and

(3) Restrain and prevent any act that violates any provision of this chapter that governs the distribution, disposition, management, or expenditure of, or reporting obligations relating to, any property held for charitable purposes.

NEW SECTION. **Sec. 4103.** ATTORNEY GENERAL'S RIGHT TO INTERVENE. The attorney general, as of right, may intervene in any proceeding that has been commenced by a person other than the attorney general if the attorney general is otherwise authorized to bring such a proceeding under this chapter.

NEW SECTION. **Sec. 4104.** ATTORNEY GENERAL'S INVESTIGATIVE POWER. Upon reasonable suspicion that there has been a violation of any provision of this chapter that governs the distribution, disposition, management, or expenditure of, or reporting obligations relating to, any property held for charitable purposes, or that a charitable corporation or property held for charitable purposes by a nonprofit corporation has been improperly administered, the attorney general may institute an investigation for the purpose of determining whether there has been such a violation or improper administration.

NEW SECTION. **Sec. 4105.** CIVIL INVESTIGATIVE DEMANDS. (1) The attorney general may, before the institution of a civil proceeding arising from an investigation instituted under section 4104 of this act, execute in writing and cause to be served upon a person a civil investigative demand requiring the person to produce documentary material and permit inspection and copying, to answer in writing written interrogatories, to give oral testimony, or any combination of those demands,

whenever the attorney general believes that the person:

(a) May be in possession, custody, or control of any original or copy of any record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other document or recording, wherever situated, which the attorney general reasonably believes to be relevant to the subject matter of any investigation instituted under section 4104 of this act; or

(b) May have knowledge of any information which the attorney general reasonably believes to be relevant to the subject matter of any such investigation.

(2) The provisions of RCW 19.86.110 (2) through (9) except for RCW 19.86.110(7) (b) and (c), shall apply to every civil investigative demand issued under this section.

(3) With respect to a civil investigative demand issued under this section, the venue for filing a petition to extend a return date under RCW 19.86.110(8) or a petition for an order of enforcement under RCW 19.86.110(9) shall include any court described in section 1105 of this act.

(4) The attorney general may provide copies of documentary material, answers to written interrogatories, or transcripts of oral testimony provided under this section to an official of this state, another state, or the federal government who is charged with the enforcement of state or federal laws related to the protection or regulation of property held for charitable purposes, provided that before the disclosure the receiving official agrees in the form of a record that the information may not be disclosed to anyone other than that official or the official's authorized employees or agents. Material provided under this subsection is subject to the limitations on disclosure contained in RCW 19.86.110(7) (a), and, where applicable, Title 5 U.S.C. Sec. 552, and may not be introduced as evidence in a criminal prosecution.

(5) The attorney general may use such copies of documentary material, answers to written interrogatories, or transcripts of oral testimony as the attorney general determines necessary in the enforcement of any provision of this chapter that governs the distribution, disposition, management, or expenditure

of, or reporting obligations relating to, any property held for charitable purposes, including presentation before any court, provided, however, that any such material, answers to written interrogatories, or transcripts of oral testimony which contain trade secrets shall not be presented except with the approval of the court in which the action is pending after adequate notice to the person furnishing such material, answers to written interrogatories, or oral testimony.

NEW SECTION. **Sec. 4106.** RELIGIOUS CORPORATIONS. The attorney general shall not commence any action under section 4102 of this act against a religious corporation; intervene in any action under section 4103 of this act involving a religious corporation; institute any investigation under section 4104 of this act, the subject of which is a religious corporation; or serve any civil investigative demand under section 4105 of this act on a religious corporation, unless for the purposes of this section only:

(1) The basis for the action, investigation, or civil investigative demand is the attorney general's knowledge of facts, circumstances, or results that property held by the religious corporation for charitable purposes has been, is threatened to be, or is about to be distributed in violation of section 1406 of this act;

(2) The board of directors of the religious corporation has adopted a resolution in the form of a record requesting the attorney general's involvement in the action or investigation; or

(3) The attorney general has knowledge of facts, circumstances, or results indicating that the religious corporation has no directors in office, in which case the attorney general may investigate the issue of whether the religious corporation has directors in office, and, if necessary, appoint one or more directors of the religious corporation following the procedure set out in section 2410(4) of this act.

NEW SECTION. **Sec. 4107.** ASSURANCES OF DISCONTINUANCE. In the enforcement of the provisions of this chapter that govern the distribution, disposition, or expenditure of, or reporting obligations relating to, property held for charitable purposes, the attorney general may accept

an assurance of discontinuance of any act or practice deemed in violation of such provision, from any person engaging in, or who has engaged in, such act or practice. Any such assurance must be in writing and be filed with and subject to the approval of the court. Such assurance of discontinuance is not an admission of a violation for any purpose, but proof of failure to comply with the assurance of discontinuance is prima facie evidence of a violation of this chapter.

NEW SECTION. Sec. 4108. CIVIL PENALTIES, COSTS, AND FEES. (1) Pursuant to an action by the attorney general, a person shall forfeit and pay a civil penalty of not more than five thousand dollars for each violation if such person:

(a) Engages in conduct that violates any provision of this chapter governing the distribution, disposition, management, or expenditure of, or reporting obligations relating to, property held for charitable purposes, intending or knowing that such conduct was in violation of this chapter;

(b) As a director or officer of a corporation, votes for or assents to a distribution of property held for charitable purposes that would give rise to liability under section 2702 of this act; or

(c) Receives any portion of a distribution described in (b) of this subsection knowing that the distribution was made in violation of this chapter.

(2) Any person who shall violate the terms of any injunction issued pursuant to an action by the attorney general under section 4102 of this act shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars for each violation.

(3) At the discretion of the court, the attorney general is entitled to recovery of its costs and fees incurred in securing compliance with the provisions of this chapter governing the distribution, disposition, management, or expenditure of, or reporting obligations relating to, property held for charitable purposes.

NEW SECTION. Sec. 4109. CHARITABLE ASSET PROTECTION ACCOUNT. (1) The Washington state attorney general charitable asset protection account is created in the custody of the state treasurer. Only the attorney general or

the attorney general's designee may authorize expenditures from the account. Moneys in the account shall be used exclusively for:

(a) The costs associated with the attorney general's enforcement of the provisions of this chapter governing the distribution, disposition, management, or expenditure of, or reporting obligations relating to, property held for charitable purposes, or the proper administration of a charitable corporation or property held for charitable purposes;

(b) The costs associated with the attorney general's review and handling of notices and requests submitted to the attorney general under the provisions of this chapter including, but not limited to, binding agreements described in section 1504 of this act, major changes in purposes or programs reported under section 1205 of this act, and notices of proposed transactions under sections 3101 through 3608 of this act;

(c) The costs associated with the attorney general's review and handling of notices and requests submitted to the attorney general in connection with the release or modification under RCW 24.55.045 of restrictions applicable to institutional funds;

(d) The costs associated with the attorney general's supervision of charitable trusts under the authority granted in chapter 11.110 RCW, including review and handling of binding agreements under chapter 11.96A RCW, involving assets held in charitable trust; and

(e) The charitable solicitation education program.

An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW.

(2)(a) The secretary of state shall collect a charitable asset protection fee, in addition to fees that the secretary of state may set under section 1207 of this act, for filing:

(i) Annual reports under section 1204 of this act;

(ii) Articles of incorporation of newly formed corporations under section 1303 of this act;

(iii) Articles of domestication under section 3309 of this act; and

(iv) Articles of domestication and conversion under section 3318 of this act.

(b) The charitable asset protection fee is fifty dollars per year, reduced to ten dollars if the corporation certifies that its total gross revenue in the most recent fiscal year was less than five hundred thousand dollars.

(c) Revenue generated from the charitable asset protection fee must be distributed as follows:

(i) Ninety-five percent of the revenue must be deposited into the Washington state attorney general charitable asset protection account created in subsection (1) of this section; and

(ii) Five percent of the revenue must be deposited into the secretary of state's revolving fund to cover the administrative costs of assessing the fee.

ARTICLE 2

CONTESTED CORPORATE ACTION

NEW SECTION. Sec. 4201. DEFINITIONS. This section and sections 4202 and 4203 of this act apply to, and the term "corporate action" in this section and sections 4202 and 4203 of this act means, any of the following actions:

(1) The election, appointment, designation, or other selection and the suspension, removal, or expulsion of members, delegates, directors, or officers of a nonprofit corporation;

(2) The taking of any action on any matter that:

(a) Is required under this chapter or any other provision of law to be submitted for approval of or adoption by the members, delegates, directors, or officers of a nonprofit corporation;

(b) Under the articles or bylaws may be submitted for approval of or adoption by the members, delegates, directors, or officers of a nonprofit corporation; or

(c) Is in fact approved or adopted by the members, delegates, directors, or officers of a nonprofit corporation.

NEW SECTION. Sec. 4202. PROCEEDINGS PRIOR TO CORPORATE ACTION. (1) Where under applicable law or the articles or bylaws of a nonprofit corporation there has been a failure to hold a meeting to take corporate action and the failure has

continued for thirty days after the date designated or appropriate therefor, the court may summarily order a meeting to be held upon the application of any person entitled, either alone or in conjunction with other persons similarly seeking relief under this section, to call a meeting to consider the corporate action in issue, and, in the case of a charitable corporation, upon the application of the attorney general.

(2) The court may determine the right to vote at the meeting of persons claiming that right, may appoint an individual to hold the meeting under such orders and powers as the court may deem proper, and may take such action as may be required to give due notice of the meeting and convene and conduct the meeting in the interests of justice.

NEW SECTION. Sec. 4203. REVIEW OF CONTESTED CORPORATE ACTION. (1) Except as provided in subsection (3) of this section, upon petition of a person whose status as, or whose rights or duties as, a member, delegate, director, or officer of a corporation are or may be affected by any corporate action, or, in the case of a charitable corporation, the attorney general, the court may hear and determine the validity of the corporate action. The petitioner shall provide notice of the proceeding to every other person the petitioner knows, or should reasonably know, to be affected by the proceeding.

(2) The court may make such orders in any such case as may be just and proper, with power to enforce the production of any books, papers, and records of the corporation and other evidence that may relate to the issue, and may provide for notice of the proceeding to other parties if necessary. If it is determined that no valid corporate action has been taken, the court may order a meeting to be held in accordance with section 4202 of this act.

(3) If a nonprofit corporation has provided in its articles or bylaws for a means of resolving a challenge to a corporate action, then subsection (1) of this section shall not apply, except in the case of actions brought by the attorney general with respect to corporate actions of charitable corporations. The court may enforce provisions of the articles or bylaws if appropriate.

PART V

REVISIONS TO EXISTING STATUTES

ARTICLE 1**SUBSTANTIVE AMENDMENTS**

Sec. 5101. RCW 11.110.020 and 1985 c 30 s 114 are each amended to read as follows:

~~((When used in))~~ The definitions in this section apply throughout this chapter~~((7))~~ unless the context clearly requires otherwise ~~((requires+))~~.

(1) "Person" means an individual, organization, group, association, partnership, corporation, or any combination of them.

(2) (a) "Trustee" means ~~((1+))~~:

(i) Any person holding property in trust for a public charitable purpose; except the United States, its states, territories, and possessions, the District of Columbia, Puerto Rico, and their agencies and subdivisions; ~~((and (2+))~~

(ii) A corporation formed for the administration of a charitable trust ~~((or))~~; and

(iii) Any person holding assets subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes ~~((+ PROVIDED, That))~~.

(b) Unless they are described in (a) (i) or (ii) of this subsection, the term "trustee" does not apply to ~~((+))~~:

(i) Washington nonprofit corporations incorporated under chapter 24.-- RCW (the new chapter created in section 6101 of this act) or to which chapter 24.-- RCW (the new chapter created in section 6101 of this act) applies through operation of section 1107 of this act;

(ii) Religious corporations duly organized and operated in good faith as religious organizations, which have received a declaration of current tax exempt status from the government of the United States; their duly organized branches or chapters; and charities, agencies, and organizations affiliated with and forming an integral part of said organization, or operated, supervised, or controlled directly by such religious corporations nor any officer of any such religious organization who holds property for religious purposes ~~((+ PROVIDED, That))~~. However, if such organization has not received from the United States government a declaration of current tax exempt status prior to the

time it receives property under the terms of a charitable trust, this exemption shall be applicable for two years only from the time of receiving such property, or until such tax exempt status is finally declared, whichever is sooner; or ~~((+))~~

(iii) An educational institution which is nonprofit and charitable, having a program of primary, secondary, or collegiate instruction comparable in scope to that of any public school or college operated by the state of Washington or any of its school districts.

Sec. 5102. RCW 23.95.255 and 2017 c 31 s 2 are each amended to read as follows:

(1) A domestic entity other than a limited liability partnership or nonprofit corporation shall, within one hundred twenty days of the date on which its public organic record became effective, deliver to the secretary of state for filing an initial report that states the information required under subsection (2) of this section.

(2) A domestic entity or registered foreign entity shall deliver to the secretary of state for filing an annual report that states:

(a) The name of the entity and its jurisdiction of formation;

(b) The name and street and mailing addresses of the entity's registered agent in this state;

(c) The street and mailing addresses of the entity's principal office;

(d) In the case of a registered foreign entity, the street and mailing address of the entity's principal office in the state or country under the laws of which it is incorporated;

(e) The names of the entity's governors;

(f) A brief description of the nature of the entity's business; ~~((and))~~

(g) The entity's unified business identifier number;

(h) In the case of a nonprofit corporation, the corporation's federal employer identification number; and

(i) In the case of a nonprofit corporation, any information required under section 1205 of this act.

(3) Information in an initial or annual report must be current as of the date the report is executed by the entity.

(4) Annual reports must be delivered to the secretary of state on a date determined by the secretary of state and at such additional times as the entity elects.

(5) If an initial or annual report does not contain the information required by this section, the secretary of state promptly shall notify the reporting entity in a record and return the report for correction.

(6) If an initial or annual report contains the name or address of a registered agent that differs from the information shown in the records of the secretary of state immediately before the annual report becomes effective, the differing information in the initial or annual report is considered a statement of change under RCW 23.95.430.

(7) The secretary of state shall send to each domestic entity and registered foreign entity, not less than thirty or more than ninety days prior to the expiration date of the entity's annual renewal, a notice that the entity's annual report must be filed as required by this chapter and that any applicable annual renewal fee must be paid, and stating that if the entity fails to file its annual report or pay the annual renewal fee it will be administratively dissolved. The notice may be sent by postal or email as elected by the entity, addressed to its registered agent within the state, or to an electronic address designated by the entity in a record retained by the secretary of state. Failure of the secretary of state to provide any such notice does not relieve a domestic entity or registered foreign entity from its obligations to file the annual report required by this chapter or to pay any applicable annual renewal fee. The option to receive the notice provided under this section by email may be selected only when the secretary of state makes the option available.

Sec. 5103. RCW 23.95.305 and 2019 c 37 s 1402 are each amended to read as follows:

(1)(a) The name of a business corporation:

(i)(A) Except in the case of a social purpose corporation, must contain the

word "corporation," "incorporated," "company," or "limited," or the abbreviation "Corp.," "Inc.," "Co.," or "Ltd.," or words or abbreviations of similar import in another language; or

(B) In the case of a social purpose corporation, must contain the words "social purpose corporation" or the abbreviation "SPC" or "S.P.C."; and

(ii) Must not contain any of the following words or phrases: "Bank," "banking," "banker," "trust," "cooperative," or any combination of the words "industrial" and "loan," or any combination of any two or more of the words "building," "savings," "loan," "home," "association," and "society," or any other words or phrases prohibited by any statute of this state.

(b) The name of a professional service corporation must contain either the words "professional service" or "professional corporation" or the abbreviation "P.S." or "P.C." The name may also contain either the words "corporation," "incorporated," "company," or "limited," or the abbreviation "Corp.," "Inc.," "Co.," or "Ltd." The name of a professional service corporation organized to render dental services must contain the full names or surnames of all shareholders and no other word than "chartered" or the words "professional services" or the abbreviation "P.S." or "P.C."

(2) The name of a nonprofit corporation:

(a) May include "club," "league," "association," "services," "committee," "fund," "society," "foundation," "guild," ".", a nonprofit corporation," ".", a nonprofit mutual corporation," or any name of like import;

(b) Except for nonprofit corporations formed prior to January 1, 1969, must not include or end with "incorporated," "company," "corporation," "partnership," "limited partnership," or "Ltd.," or any abbreviation thereof; (~~and~~)

(c) May not be deceptively similar to the name of an existing domestic entity which is not then administratively dissolved; and

(d) May only include the term "public benefit" or names of like import if the nonprofit corporation has been designated as a public benefit nonprofit

corporation by the secretary of state in accordance with chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act).

(3) The name of a limited partnership may contain the name of any partner. The name of a partnership that is not a limited liability limited partnership must contain the words "limited partnership" or the abbreviation "LP" or "L.P." and may not contain the words "limited liability limited partnership" or the abbreviation "LLLP" or "L.L.L.P." If the limited partnership is a limited liability limited partnership, the name must contain the words "limited liability limited partnership" or the abbreviation "LLLP" or "L.L.L.P." and may not contain the abbreviation "LP" or "L.P."

(4) The name of a limited liability partnership must contain the words "limited liability partnership" or the abbreviation "LLP" or "L.L.P." If the name of a foreign limited liability partnership contains the words "registered limited liability partnership" or the abbreviation "R.L.L.P." or "RLLP," it may include those words or abbreviations in its foreign registration statement.

(5) (a) The name of a limited liability company:

(i) Must contain the words "limited liability company," the words "limited liability" and abbreviation "Co.," or the abbreviation "L.L.C." or "LLC"; and

(ii) May not contain any of the following words or phrases: "Cooperative," "partnership," "corporation," "incorporated," or the abbreviations "Corp.," "Ltd.," or "Inc.," or "LP," "L.P.," "LLP," "L.L.P.," "LLLP," "L.L.L.P.," or any words or phrases prohibited by any statute of this state.

(b) The name of a professional limited liability company must contain either the words "professional limited liability company," or the words "professional limited liability" and the abbreviation "Co.," or the abbreviation "P.L.L.C." or "PLLC," provided that the name of a professional limited liability company organized to render dental services must contain the full names or surnames of all members and no other word than "chartered" or the words "professional services" or the abbreviation "P.L.L.C." or "PLLC."

(6) The name of a cooperative association organized under chapter 23.86 RCW may contain the words "corporation," "incorporated," or "limited," or the abbreviation "Corp.," "Inc.," or "Ltd."

(7) The name of a limited cooperative association must contain the phrase "limited cooperative association" or "limited cooperative" or the abbreviation "L.C.A." or "LCA." "Limited" may be abbreviated as "Ltd." "Cooperative" may be abbreviated as "Co-op." or "Coop." "Association" may be abbreviated as "Assoc." or "Assn."

NEW SECTION. Sec. 5104. A new section is added to chapter 74.15 RCW to read as follows:

(1) A host home program must register with the secretary of state's office. This registration may occur when the secretary of state files articles of incorporation of the host home program under chapter 24.-- RCW (the new chapter created in section 6101 of this act).

(2) The host home program registration must include a notarized statement by the host home program that it meets all of the requirements set out in RCW 74.15.020(2)(o).

(3) The secretary of state has no duty to confirm that a host home program is meeting its statutory requirements. A filing under this section does not imply an endorsement by the secretary of state.

(4) The secretary of state may adopt rules necessary to carry out its duties under this section.

ARTICLE 2

AMENDMENTS TO UPDATE REFERENCES

Sec. 5201. RCW 7.60.025 and 2019 c 389 s 1 are each amended to read as follows:

(1) A receiver may be appointed by the superior court of this state in the following instances, but except in any case in which a receiver's appointment is expressly required by statute, or any case in which a receiver's appointment is sought by a state agent whose authority to seek the appointment of a receiver is expressly conferred by statute, or any case in which a receiver's appointment with respect to real property is sought under (b)(ii) of this subsection, a receiver shall be appointed only if the court additionally determines that the

appointment of a receiver is reasonably necessary and that other available remedies either are not available or are inadequate:

(a) On application of any party, when the party is determined to have a probable right to or interest in property that is a subject of the action and in the possession of an adverse party, or when the property or its revenue-producing potential is in danger of being lost or materially injured or impaired. A receiver may be appointed under this subsection (1)(a) whether or not the application for appointment of a receiver is combined with, or is ancillary to, an action seeking a money judgment or other relief;

(b) Provisionally, after commencement of any judicial action or nonjudicial proceeding to foreclose upon any lien against or for forfeiture of any interest in real or personal property, on application of any person, when the interest in the property that is the subject of such an action or proceeding of the person seeking the receiver's appointment is determined to be probable and either:

(i) The property or its revenue-producing potential is in danger of being lost or materially injured or impaired; or

(ii) The appointment of a receiver with respect to the real or personal property that is the subject of the action or proceeding is provided for by agreement or is reasonably necessary to effectuate or enforce an assignment of rents or other revenues from the property. For purposes of this subsection (1)(b), a judicial action is commenced as provided in superior court civil rule 3(a), a nonjudicial proceeding is commenced under chapter 61.24 RCW upon the service of notice of default described in RCW 61.24.030(8), and a proceeding for forfeiture is commenced under chapter 61.30 RCW upon the recording of the notice of intent to forfeit described in RCW 61.30.060;

(c) After judgment, in order to give effect to the judgment;

(d) To dispose of property according to provisions of a judgment dealing with its disposition;

(e) To the extent that property is not exempt from execution, at the instance of a judgment creditor either before or

after the issuance of any execution, to preserve or protect it, or prevent its transfer;

(f) If and to the extent that property is subject to execution to satisfy a judgment, to preserve the property during the pendency of an appeal, or when an execution has been returned unsatisfied, or when an order requiring a judgment debtor to appear for proceedings supplemental to judgment has been issued and the judgment debtor fails to submit to examination as ordered;

(g) Upon an attachment of real or personal property when the property attached is of a perishable nature or is otherwise in danger of waste, impairment, or destruction, or where the abandoned property's owner has absconded with, secreted, or abandoned the property, and it is necessary to collect, conserve, manage, control, or protect it, or to dispose of it promptly, or when the court determines that the nature of the property or the exigency of the case otherwise provides cause for the appointment of a receiver;

(h) In an action by a transferor of real or personal property to avoid or rescind the transfer on the basis of fraud, or in an action to subject property or a fund to the payment of a debt;

(i) In an action against any person who is not an individual if the object of the action is the dissolution of that person, or if that person has been dissolved, or if that person is insolvent or is not generally paying the person's debts as those debts become due unless they are the subject of bona fide dispute, or if that person is in imminent danger of insolvency;

(j) In accordance with RCW 7.08.030 (4) and (6), in cases in which a general assignment for the benefit of creditors has been made;

(k) In quo warranto proceedings under chapter 7.56 RCW;

(l) As provided under RCW 11.64.022;

(m) In an action by the department of licensing under RCW 18.35.220(3) with respect to persons engaged in the business of dispensing of hearing aids, RCW 18.85.430 in the case of persons engaged in the business of a real estate broker, associate real estate broker, or real estate salesperson, or RCW

19.105.470 with respect to persons engaged in the business of camping resorts;

(n) In an action under RCW 18.44.470 or 18.44.490 in the case of persons engaged in the business of escrow agents;

(o) Upon a petition with respect to a nursing home in accordance with and subject to receivership provisions under chapter 18.51 RCW;

(p) In connection with a proceeding for relief with respect to a voidable transfer as to a present or future creditor under RCW 19.40.041 or a present creditor under RCW 19.40.051;

(q) Under RCW 19.100.210(1), in an action by the attorney general or director of financial institutions to restrain any actual or threatened violation of the franchise investment protection act;

(r) In an action by the attorney general or by a prosecuting attorney under RCW 19.110.160 with respect to a seller of business opportunities;

(s) In an action by the director of financial institutions under RCW 21.20.390 in cases involving actual or threatened violations of the securities act of Washington or under RCW 21.30.120 in cases involving actual or threatened violations of chapter 21.30 RCW with respect to certain businesses and transactions involving commodities;

(t) In an action for or relating to dissolution of a business corporation under RCW 23B.14.065, 23B.14.300, 23B.14.310, or 23B.14.320, for dissolution of a nonprofit corporation under (~~RCW 24.03.271~~) section 3605 of this act, for dissolution of a mutual corporation under RCW 24.06.305, or in any other action for the dissolution or winding up of any other entity provided for by Title 23, 23B, 24, or 25 RCW;

(u) In any action in which the dissolution of any public or private entity is sought, in any action involving any dispute with respect to the ownership or governance of such an entity, or upon the application of a person having an interest in such an entity when the appointment is reasonably necessary to protect the property of the entity or its business or other interests;

(v) Under RCW 25.05.215, in aid of a charging order with respect to a partner's interest in a partnership;

(w) Under and subject to RCW 30A.44.100, 30A.44.270, and 30A.56.030, in the case of a state commercial bank, RCW 30B.44B.100, in the case of a state trust company, RCW 32.24.070, 32.24.073, 32.24.080, and 32.24.090, in the case of a state savings bank;

(x) Under and subject to RCW 31.12.637 and 31.12.671 through 31.12.724, in the case of credit unions;

(y) Upon the application of the director of financial institutions under RCW 31.35.090 in actions to enforce chapter 31.35 RCW applicable to agricultural lenders, under RCW 31.40.120 in actions to enforce chapter 31.40 RCW applicable to entities engaged in federally guaranteed small business loans, under RCW 31.45.160 in actions to enforce chapter 31.45 RCW applicable to persons licensed as check cashers or check sellers, or under RCW 19.230.230 in actions to enforce chapter 19.230 RCW applicable to persons licensed under the uniform money services act;

(z) Under RCW 35.82.090 or 35.82.180, with respect to a housing project;

(aa) Under RCW 39.84.160 or 43.180.360, in proceedings to enforce rights under any revenue bonds issued for the purpose of financing industrial development facilities or bonds of the Washington state housing finance commission, or any financing document securing any such bonds;

(bb) Under and subject to RCW 43.70.195, in an action by the secretary of health or by a local health officer with respect to a public water system;

(cc) As contemplated by RCW 61.24.030, with respect to real property that is the subject of nonjudicial foreclosure proceedings under chapter 61.24 RCW;

(dd) As contemplated by RCW 61.30.030(3), with respect to real property that is the subject of judicial or nonjudicial forfeiture proceedings under chapter 61.30 RCW;

(ee) Under RCW 64.32.200(2), in an action or proceeding commenced under chapter 61.12 or 61.24 RCW to foreclose upon a lien for common expenses against a dwelling unit subject to the horizontal property regimes act, chapter 64.32 RCW. For purposes of this subsection (1)(ee), a judicial action is commenced as provided in superior court civil rule 3(a) and a nonjudicial proceeding is

commenced under chapter 61.24 RCW upon the service of notice of default described in RCW 61.24.030(8);

(ff) Under RCW 64.34.364(10), in an action or proceeding commenced under chapter 61.12 or 61.24 RCW by a unit owners' association to foreclose a lien for nonpayment of delinquent assessments against condominium units. For purposes of this subsection (1)(ff), a judicial action is commenced as provided in superior court civil rule (3)(a) and a nonjudicial proceeding is commenced under chapter 61.24 RCW upon the service of notice of default described in RCW 61.24.030(8);

(gg) Upon application of the attorney general under RCW 64.36.220(3), in aid of any writ or order restraining or enjoining violations of chapter 64.36 RCW applicable to timeshares;

(hh) Under RCW ~~((70.95A.050))~~ 70A.210.070(3), in aid of the enforcement of payment or performance of municipal bonds issued with respect to facilities used to abate, control, or prevent pollution;

(ii) Upon the application of the department of social and health services under RCW 74.42.580, in cases involving nursing homes;

(jj) Upon the application of the utilities and transportation commission under RCW 80.28.040, with respect to a water company or wastewater company that has failed to comply with an order of such commission within the time deadline specified therein;

(kk) Under RCW 87.56.065, in connection with the dissolution of an irrigation district;

(ll) Upon application of the attorney general or the department of licensing, in any proceeding that either of them are authorized by statute to bring to enforce Title 18 or 19 RCW; the securities act of Washington, chapter 21.20 RCW; the Washington commodities act, chapter 21.30 RCW; the land development act, chapter 58.19 RCW; or under chapter 64.36 RCW relating to the regulation of timeshares;

(mm) Upon application of the director of financial institutions in any proceeding that the director of financial institutions is authorized to bring to enforce chapters 31.35, 31.40, and 31.45 RCW; or

(nn) In such other cases as may be provided for by law, or when, in the discretion of the court, it may be necessary to secure ample justice to the parties.

(2) The superior courts of this state shall appoint as receiver of property located in this state a person who has been appointed by a federal or state court located elsewhere as receiver with respect to the property specifically or with respect to the owner's property generally, upon the application of the person or of any party to that foreign proceeding, and following the appointment shall give effect to orders, judgments, and decrees of the foreign court affecting the property in this state held by the receiver, unless the court determines that to do so would be manifestly unjust or inequitable. The venue of such a proceeding may be any county in which the person resides or maintains any office, or any county in which any property over which the receiver is to be appointed is located at the time the proceeding is commenced.

(3) At least seven days' notice of any application for the appointment of a receiver must be given to the owner of property to be subject thereto and to all other parties in the action, and to other parties in interest as the court may require. If any execution by a judgment creditor under Title 6 RCW or any application by a judgment creditor for the appointment of a receiver, with respect to property over which the receiver's appointment is sought, is pending in any other action at the time the application is made, then notice of the application for the receiver's appointment also must be given to the judgment creditor in the other action. The court may shorten or expand the period for notice of an application for the appointment of a receiver upon good cause shown.

(4) The order appointing a receiver in all cases must reasonably describe the property over which the receiver is to take charge, by category, individual items, or both if the receiver is to take charge of less than all of the owner's property. If the order appointing a receiver does not expressly limit the receiver's authority to designated property or categories of property of the owner, the receiver is a general receiver with the authority to take charge over

all of the owner's property, wherever located.

(5) The court may condition the appointment of a receiver upon the giving of security by the person seeking the receiver's appointment, in such amount as the court may specify, for the payment of costs and damages incurred or suffered by any person should it later be determined that the appointment of the receiver was wrongfully obtained.

Sec. 5202. RCW 9.46.0209 and 2020 c 150 s 1 are each amended to read as follows:

(1)(a) "Bona fide charitable or nonprofit organization," as used in this chapter, means:

(i) Any organization duly existing under the provisions of chapter 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapter((~~24.12~~)) 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 19.09 or ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, religious, scientific, social, fraternal, athletic, or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or

(ii) Any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(b) An organization defined under (a) of this subsection must:

(i) Have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any

license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required; and

(ii) Demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month period preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the internal revenue code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

(c) Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(2) For the purposes of RCW 9.46.0315 and 9.46.110, a bona fide nonprofit organization can be licensed by the commission and includes:

(a) A credit union organized and operating under state or federal law. All revenue less prizes and expenses received from raffles conducted by credit unions must be devoted to purposes authorized under this section for charitable and nonprofit organizations; and

(b) A group of executive branch state employees that:

(i) Has requested and received revocable approval from the agency's chief executive official, or such official's designee, to conduct one or more raffles in compliance with this section;

(ii) Conducts a raffle solely to raise funds for either the state combined fund drive, created under RCW 41.04.033; an entity approved to receive funds from the state combined fund drive; or a charitable or benevolent entity, including but not limited to a person or

family in need, as determined by a majority vote of the approved group of employees. No person or other entity may receive compensation in any form from the group for services rendered in support of this purpose;

(iii) Promptly provides such information about the group's receipts, expenditures, and other activities as the agency's chief executive official or designee may periodically require, and otherwise complies with this section and RCW 9.46.0315; and

(iv) Limits the participation in the raffle such that raffle tickets are sold only to, and winners are determined only from, the employees of the agency.

(3) For the purposes of RCW 9.46.0277, a bona fide nonprofit organization also includes a county, city, or town, provided that all revenue less prizes and expenses from raffles conducted by the county, city, or town must be used for community activities or tourism promotion activities.

Sec. 5203. RCW 15.105.020 and 2004 c 26 s 3 are each amended to read as follows:

(1) The department may cooperate with other agencies, boards, commissions, and associations in the state of Washington to establish a private, nonprofit corporation for the purpose of carrying out the program. The nonprofit corporation must be organized under chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act) and has the powers granted under that chapter. However, this chapter does not prohibit the department or other agencies, boards, commissions, and associations from separately continuing to promote Washington products under their existing authorities.

(2) The department may contract with the successor organization to carry out the program. The contract must require the successor organization to aggressively seek to fund its continued operation from nonstate funding sources.

(3) The successor organization must report to the department each January 1st on the amounts it has secured from both nonstate and state funding sources, its operations, and its programs.

(4) Debts and other liabilities of the successor organization are successor organization debts and liabilities only

and may be satisfied only from the resources of the successor organization. The state of Washington is not liable for the debts or liabilities of the successor organization.

Sec. 5204. RCW 18.100.050 and 2020 c 80 s 21 are each amended to read as follows:

(1) An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional services within this state may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of Title 23B RCW for the purpose of rendering professional service. One or more of the legally authorized individuals shall be the incorporators of the professional corporation.

(2) Notwithstanding any other provision of this chapter, registered architects and registered engineers may own stock in and render their individual professional services through one professional service corporation.

(3) Licensed health care professionals, providing services to enrolled participants either directly or through arrangements with a health maintenance organization registered under chapter 48.46 RCW or federally qualified health maintenance organization, may own stock in and render their individual professional services through one professional service corporation.

(4) Professionals may organize a nonprofit nonstock corporation under this chapter and chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act) to provide professional services, and the provisions of this chapter relating to stock and referring to Title 23B RCW shall not apply to any such corporation.

(5)(a) Notwithstanding any other provision of this chapter, health care professionals who are licensed or certified pursuant to chapters 18.06, 18.225, 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A, 18.50, 18.53, 18.55, 18.57, 18.64, 18.71, 18.71A, 18.79, 18.83, 18.89, 18.108, and 18.138 RCW may own stock in and render their individual professional services through one professional service corporation and are to be considered, for the purpose of forming a professional service

corporation, as rendering the "same specific professional services" or "same professional services" or similar terms.

(b) Notwithstanding any other provision of this chapter, health care professionals who are regulated under chapters 18.59 and 18.74 RCW may own stock in and render their individual professional services through one professional service corporation formed for the sole purpose of providing professional services within their respective scope of practice.

(c) Formation of a professional service corporation under this subsection does not restrict the application of the uniform disciplinary act under chapter 18.130 RCW, or applicable health care professional statutes under Title 18 RCW, including but not limited to restrictions on persons practicing a health profession without being appropriately credentialed and persons practicing beyond the scope of their credential.

Sec. 5205. RCW 18.100.130 and 1991 c 72 s 5 are each amended to read as follows:

(1) For a professional service corporation organized for pecuniary profit under this chapter, the provisions of Title 23B RCW shall be applicable except to the extent that any of the provisions of this chapter are interpreted to be in conflict with the provisions thereof, and in such event the provisions and sections of this chapter shall take precedence with respect to a corporation organized pursuant to the provisions of this chapter.

(2) For a professional service corporation organized under this chapter and chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act) as a nonprofit ~~((nonstock))~~ corporation, the provisions of chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act) shall be applicable except to the extent that any of the provisions of this chapter are interpreted to be in conflict with the provisions thereof, and in such event the provisions and sections of this chapter shall take precedence with respect to a corporation organized under the provisions of this chapter.

Sec. 5206. RCW 18.100.134 and 1991 c 72 s 7 are each amended to read as follows:

A professional corporation may amend its articles of incorporation to delete from its stated purposes the rendering of professional services and to conform to the requirements of Title 23B RCW, or to the requirements of chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act) if organized pursuant to RCW 18.100.050 as a nonprofit ~~((nonstock))~~ corporation. Upon the effective date of such amendment, the corporation shall no longer be subject to the provisions of this chapter and shall continue in existence as a corporation under Title 23B RCW or chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act).

Sec. 5207. RCW 19.142.010 and 1990 c 55 s 1 and 1990 c 33 s 556 are each reenacted and amended to read as follows:

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

(1) "Business day" means any day except a Sunday or a legal holiday.

(2) "Buyer" or "member" means a person who purchases health studio services.

(3) "Health studio" includes any person or entity engaged in the sale of instruction, training, assistance or use of facilities which purport to assist patrons to improve their physical condition or appearance through physical exercise, body building, weight loss, figure development, the martial arts, or any other similar activity. For the purposes of this chapter, "health studio" does not include: (a) Public common schools, private schools approved under RCW 28A.195.010, and public or private institutions of higher education; (b) persons providing professional services within the scope of a person's license under Title 18 RCW; (c) bona fide nonprofit organizations which have been granted tax-exempt status by the Internal Revenue Service, the functions of which as health studios are only incidental to their overall functions and purposes; (d) a person or entity which offers physical exercise, body building, figure development or similar activities as incidental features of a plan of instruction or assistance relating to diet or control of eating habits; (e) bona fide nonprofit corporations organized under chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act) which have members and whose members have meaningful

voting rights to elect and remove a board of directors which is responsible for the operation of the health club and corporation; and (f) a preexisting facility primarily offering aerobic classes, where the initiation fee is less than fifty dollars and no memberships are sold which exceed one year in duration. For purposes of this subsection, "preexisting facility" means an existing building used for health studio services covered by the fees collected.

(4) "Health studio services" means instruction, services, privileges, or rights offered for sale by a health studio. "Health studio services" do not include: (a) Instruction or assistance relating to diet or control of eating habits not involving substantial on-site physical exercise, body building, figure development, or any other similar activity; or (b) recreational or social programs which either involve no physical exercise or exercise only incidental to the program.

(5) "Initiation or membership fee" means a fee paid either in a lump sum or in installments within twelve months of execution of the health studio services contract on a one-time basis when a person first joins a health studio for the privilege of belonging to the health studio.

(6) "Special offer or discount" means any offer of health studio services at a reduced price or without charge to a prospective member.

(7) "Use fees or dues" means fees paid on a regular periodic basis for use of a health studio. This does not preclude prepayment of use fees at the buyer's option.

Sec. 5208. RCW 23.95.105 and 2020 c 57 s 29 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise or as set forth in RCW 23.95.400 or 23.95.600.

(1) "Annual report" means the report required by RCW 23.95.255.

(2) "Business corporation" means a domestic business corporation incorporated under or subject to Title 23B RCW or a foreign business corporation.

(3) "Commercial registered agent" means a person listed under RCW 23.95.420.

(4) "Domestic," with respect to an entity, means governed as to its internal affairs by the law of this state.

(5) "Electronic transmission" means an electronic communication:

(a) Not directly involving the physical transfer of a record in a tangible medium; and

(b) That may be retained, retrieved, and reviewed by the sender and the recipient thereof, and that may be directly reproduced in a tangible medium by such a sender and recipient.

(6) "Entity" means:

(a) A business corporation;

(b) A nonprofit corporation;

(c) A limited liability partnership;

(d) A limited partnership;

(e) A limited liability company;

(f) A general cooperative association; or

(g) A limited cooperative association.

(7) "Entity filing" means a record delivered to the secretary of state for filing pursuant to this chapter.

(8) "Execute," "executes," or "executed" means with present intent to authenticate or adopt a record:

(a) To sign or adopt a tangible symbol;

(b) To attach to or logically associate with the record an electronic symbol, sound, or process; or

(c) With respect to a record to be filed with the secretary of state, in compliance with the standards for filing with the office of the secretary of state as prescribed by the secretary of state.

(9) "Filed record" means a record filed by the secretary of state pursuant to this chapter.

(10) "Foreign," with respect to an entity, means governed as to its internal affairs by the law of a jurisdiction other than this state.

(11) "General cooperative association" means a domestic general cooperative association formed under or subject to chapter 23.86 RCW.

(12) "Governor" means:

(a) A director of a business corporation;

(b) A director of a nonprofit corporation;

(c) A partner of a limited liability partnership;

(d) A general partner of a limited partnership;

(e) A manager of a manager-managed limited liability company;

(f) A member of a member-managed limited liability company;

(g) A director of a general cooperative association;

(h) A director of a limited cooperative association; or

(i) Any other person under whose authority the powers of an entity are exercised and under whose direction the activities and affairs of the entity are managed pursuant to the organic law and organic rules of the entity.

(13) "Interest" means:

(a) A share in a business corporation;

(b) A membership in a nonprofit corporation;

(c) A share in a nonprofit corporation formed under chapter 24.06 RCW;

(d) A partnership interest in a limited liability partnership;

(e) A partnership interest in a limited partnership;

(f) A limited liability company interest;

(g) A share or membership in a general cooperative association; or

(h) A member's interest in a limited cooperative association.

(14) "Interest holder" means:

(a) A shareholder of a business corporation;

(b) A member of a nonprofit corporation;

(c) A shareholder of a nonprofit corporation formed under chapter 24.06 RCW;

(d) A partner of a limited liability partnership;

(e) A general partner of a limited partnership;

(f) A limited partner of a limited partnership;

(g) A member of a limited liability company;

(h) A shareholder or member of a general cooperative association; or

(i) A member of a limited cooperative association.

(15) "Jurisdiction," when used to refer to a political entity, means the United States, a state, a foreign country, or a political subdivision of a foreign country.

(16) "Jurisdiction of formation" means the jurisdiction whose law includes the organic law of an entity.

(17) "Limited cooperative association" means a domestic limited cooperative association formed under or subject to chapter 23.100 RCW or a foreign limited cooperative association.

(18) "Limited liability company" means a domestic limited liability company formed under or subject to chapter 25.15 RCW or a foreign limited liability company.

(19) "Limited liability limited partnership" means a domestic limited liability limited partnership formed under or subject to chapter 25.10 RCW or a foreign limited liability limited partnership.

(20) "Limited liability partnership" means a domestic limited liability partnership registered under or subject to chapter 25.05 RCW or a foreign limited liability partnership.

(21) "Limited partnership" means a domestic limited partnership formed under or subject to chapter 25.10 RCW or a foreign limited partnership. "Limited partnership" includes a limited liability limited partnership.

(22) "Noncommercial registered agent" means a person that is not a commercial registered agent and is:

(a) An individual or domestic or foreign entity that serves in this state as the registered agent of an entity;

(b) An individual who holds the office or other position in an entity which is designated as the registered agent pursuant to RCW 23.95.415(1)(b)(ii); or

(c) A government, governmental subdivision, agency, or instrumentality, or a separate legal entity comprised of two or more of these entities, that serves as the registered agent of an entity.

(23) "Nonprofit corporation" means a domestic nonprofit corporation incorporated under or subject to chapter ~~((24.03))~~ 24.-- (the new chapter created in section 6101 of this act) or 24.06 RCW or a foreign nonprofit corporation.

(24) "Nonregistered foreign entity" means a foreign entity that is not registered to do business in this state pursuant to a statement of registration filed by the secretary of state.

(25) "Organic law" means the law of an entity's jurisdiction of formation governing the internal affairs of the entity.

(26) "Organic rules" means the public organic record and private organic rules of an entity.

(27) "Person" means an individual, business corporation, nonprofit corporation, partnership, limited partnership, limited liability company, general cooperative association, limited cooperative association, unincorporated nonprofit association, statutory trust, business trust, common-law business trust, estate, trust, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(28) "Principal office" means the principal executive office of an entity, whether or not the office is located in this state.

(29) "Private organic rules" means the rules, whether or not in a record, that govern the internal affairs of an entity, are binding on all its interest holders, and are not part of its public organic record, if any. "Private organic rules" includes:

(a) The bylaws of a business corporation and any agreement among shareholders pursuant to RCW 23B.07.320;

(b) The bylaws of a nonprofit corporation;

(c) The partnership agreement of a limited liability partnership;

(d) The partnership agreement of a limited partnership;

(e) The limited liability company agreement;

(f) The bylaws of a general cooperative association; and

(g) The bylaws of a limited cooperative association.

(30) "Proceeding" means civil suit and criminal, administrative, and investigatory action.

(31) "Property" means all property, whether real, personal, or mixed or tangible or intangible, or any right or interest therein.

(32) "Public organic record" means the record the filing of which by the secretary of state is required to form an entity and any amendment to or restatement of that record. The term includes:

(a) The articles of incorporation of a business corporation;

(b) The articles of incorporation of a nonprofit corporation;

(c) The certificate of limited partnership of a limited partnership;

(d) The certificate of formation of a limited liability company;

(e) The articles of incorporation of a general cooperative association;

(f) The articles of organization of a limited cooperative association; and

(g) The document under the laws of another jurisdiction that is equivalent to a document listed in this subsection.

(33) "Receipt," as used in this chapter, means actual receipt. "Receive" has a corresponding meaning.

(34) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(35) "Registered agent" means an agent of an entity which is authorized to receive service of any process, notice, or demand required or permitted by law to be served on the entity. The term includes a commercial registered agent and a noncommercial registered agent.

(36) "Registered foreign entity" means a foreign entity that is registered to do business in this state pursuant to a certificate of registration filed by the secretary of state.

(37) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(38) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

(39) "Transfer" includes:

- (a) An assignment;
- (b) A conveyance;
- (c) A sale;
- (d) A lease;
- (e) An encumbrance, including a mortgage or security interest;
- (f) A change of record owner of interest;
- (g) A gift; and
- (h) A transfer by operation of law.

(40) "Type of entity" means a generic form of entity:

- (a) Recognized at common law; or
- (b) Formed under an organic law, whether or not some entities formed under that law are subject to provisions of that law that create different categories of the form of entity.

Sec. 5209. RCW 24.50.010 and 2011 c 310 s 1 are each amended to read as follows:

(1) Washington manufacturing services is organized as a private, nonprofit corporation in accordance with chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act) and this section. The mission of the corporation is to operate a modernization extension system, coordinate a network of public and private modernization resources, and stimulate the competitiveness of small and midsize manufacturers in Washington.

(2) The corporation must be governed by a board of directors. A majority of the board of directors shall be representatives of small and medium-sized manufacturing firms and industry associations, networks, or consortia. The board must also include at least one member representing labor unions or labor councils and, as ex officio members, the director of the department of commerce,

the executive director of the state board for community and technical colleges, and the director of the workforce training and education coordinating board, or their respective designees.

(3) The corporation may be known as impact Washington and may:

(a) Charge fees for services, make and execute contracts with any individual, corporation, association, public agency, or any other entity, and employ all other legal instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter; and

(b) Receive funds from federal, state, or local governments, private businesses, foundations, or any other source for purposes consistent with this chapter.

(4) The corporation must:

(a) Develop policies, plans, and programs to assist in the modernization of businesses in targeted sectors of Washington's economy and coordinate the delivery of modernization services;

(b) Provide information about the advantages of modernization and the modernization services available in the state to federal, state, and local economic development officials, state colleges and universities, and private providers;

(c) Collaborate with the Washington quality initiative in the development of manufacturing quality standards and quality certification programs;

(d) Collaborate with industry sector and cluster associations to inform import-impacted manufacturers about federal trade adjustment assistance funding;

(e) Serve as an information clearinghouse and provide access for users to the federal manufacturing extension partnership national research and information system; and

(f) Provide, either directly or through contracts, assistance to industry or cluster associations, networks, or consortia, that would be of value to their member firms in:

(i) Adopting advanced business management practices such as strategic planning and total quality management;

(ii) Developing mechanisms for interfirm collaboration and cooperation;

(iii) Appraising, purchasing, installing, and effectively using equipment, technologies, and processes that improve the quality of goods and services and the productivity of the firm;

(iv) Improving human resource systems and workforce training in a manner that moves firms toward flexible, high-performance work organizations;

(v) Developing new products;

(vi) Conducting market research, analysis, and development of new sales channels and export markets;

(vii) Improving processes to enhance environmental, health, and safety compliance; and

(viii) Improving credit, capital management, and business finance skills.

(5) Between thirty-five and sixty-five percent of the funds received by the corporation from the state must be used by the corporation for carrying out the duties under subsection (4)(f) of this section, consistent with the intent of RCW 24.50.005(2).

Sec. 5210. RCW 28A.710.010 and 2016 c 241 s 101 are each amended to read as follows:

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

(1) "Applicant" means a nonprofit corporation that has submitted an application to an authorizer. The nonprofit corporation must be either a public benefit nonprofit corporation as defined in (~~RCW 24.03.490~~) section 1701 of this act, or a nonprofit corporation ((as defined in RCW 24.03.005)) organized under chapter 24.-- RCW (the new chapter created in section 6101 of this act) that has applied for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under RCW 28A.710.220.

(2) "At-risk student" means a student who has an academic or economic disadvantage that requires assistance or special services to succeed in

educational programs. The term includes, but is not limited to, students who do not meet minimum standards of academic proficiency, students who are at risk of dropping out of high school, students in chronically low-performing schools, students with higher than average disciplinary sanctions, students with lower participation rates in advanced or gifted programs, students who are limited in English proficiency, students who are members of economically disadvantaged families, and students who are identified as having special educational needs.

(3) "Authorizer" means the commission established in RCW 28A.710.070 or a school district approved under RCW 28A.710.090 to review, approve, or reject charter school applications; enter into, renew, or revoke charter contracts with applicants; and oversee the charter schools the entity has authorized.

(4) "Charter contract" means a fixed term, renewable contract between a charter school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(5) "Charter school" or "charter public school" means a public school that is established in accordance with this chapter, governed by a charter school board, and operated according to the terms of a charter contract executed under this chapter.

(6) "Charter school board" means the board of directors appointed or selected under the terms of a charter application to manage and operate the charter school.

(7) "Commission" means the Washington state charter school commission established in RCW 28A.710.070.

(8) "Parent" means a parent, guardian, or other person or entity having legal custody of a child.

(9) "Student" means a child eligible to attend a public school in the state.

Sec. 5211. RCW 35.67.020 and 2003 c 394 s 1 are each amended to read as follows:

(1) Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without

its limits. Every city and town has full jurisdiction and authority to manage, regulate, and control them and, except as provided in subsection (3) of this section, to fix, alter, regulate, and control the rates and charges for their use.

(2) Subject to subsection (3) of this section, the rates charged under this section must be uniform for the same class of customers or service and facilities furnished. In classifying customers served or service and facilities furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors:

(a) The difference in cost of service and facilities to the various customers;

(b) The location of the various customers within and without the city or town;

(c) The difference in cost of maintenance, operation, repair, and replacement of the various parts of the system;

(d) The different character of the service and facilities furnished various customers;

(e) The quantity and quality of the sewage delivered and the time of its delivery;

(f) The achievement of water conservation goals and the discouragement of wasteful water use practices;

(g) Capital contributions made to the system, including but not limited to, assessments;

(h) The ~~((nonprofit))~~ public benefit nonprofit corporation status, as defined in ~~((RCW 24.03.490))~~ section 1701 of this act, of the land user; and

(i) Any other matters which present a reasonable difference as a ground for distinction.

(3) The rate a city or town may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be

properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

(5) A city or town may provide assistance to aid low-income persons in connection with services provided under this chapter.

(6) Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

(7) Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

(8) A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law.

Sec. 5212. RCW 35.67.190 and 1995 c 124 s 4 are each amended to read as follows:

(1) The legislative body of such city or town may provide by ordinance for revenues by fixing rates and charges for

the furnishing of service to those served by its system of sewerage or system for refuse collection and disposal, which rates and charges shall be uniform for the same class of customer or service. In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: ~~((1))~~ (a) The difference in cost of service to the various customers; ~~((2))~~ (b) the location of the various customers within and without the city or town; ~~((3))~~ (c) the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; ~~((4))~~ (d) the different character of the service furnished various customers; ~~((5))~~ (e) the quantity and quality of the sewage delivered and the time of its delivery; ~~((6))~~ (f) capital contributions made to the system, including but not limited to, assessments; ~~((7))~~ (g) the ~~((nonprofit))~~ public benefit nonprofit corporation status, as defined in ~~((RCW 24.03.490))~~ section 1701 of this act, of the land user; and ~~((8))~~ (h) any other matters which present a reasonable difference as a ground for distinction.

(2) If special indebtedness bonds or warrants are issued against the revenues, the legislative body shall by ordinance fix charges at rates which will be sufficient to take care of the costs of maintenance and operation, bond and warrant principal and interest, sinking fund requirements, and all other expenses necessary for efficient and proper operation of the system.

(3) All property owners within the area served by such sewerage system shall be compelled to connect their private drains and sewers with such city or town system, under such penalty as the legislative body of such city or town may by ordinance direct. Such penalty may in the discretion of such legislative body be an amount equal to the charge that would be made for sewer service if the property was connected to such system. All penalties collected shall be considered revenue of the system.

Sec. 5213. RCW 35.92.020 and 2020 c 20 s 1014 are each amended to read as follows:

(1) A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate systems, plants, sites, or other facilities of sewerage as defined in RCW

35.67.010, or solid waste handling as defined by RCW 70A.205.015. A city or town shall have full authority to manage, regulate, operate, control, and, except as provided in subsection (3) of this section, to fix the price of service and facilities of those systems, plants, sites, or other facilities within and without the limits of the city or town.

(2) Subject to subsection (3) of this section, the rates charged shall be uniform for the same class of customers or service and facilities. In classifying customers served or service and facilities furnished by a system or systems of sewerage, the legislative authority of the city or town may in its discretion consider any or all of the following factors:

(a) The difference in cost of service and facilities to customers;

(b) The location of customers within and without the city or town;

(c) The difference in cost of maintenance, operation, repair, and replacement of the parts of the system;

(d) The different character of the service and facilities furnished to customers;

(e) The quantity and quality of the sewage delivered and the time of its delivery;

(f) Capital contributions made to the systems, plants, sites, or other facilities, including but not limited to, assessments;

(g) The ~~((nonprofit))~~ public benefit nonprofit corporation status, as defined in ~~((RCW 24.03.490))~~ section 1701 of this act, of the land user; and

(h) Any other factors that present a reasonable difference as a ground for distinction.

(3) The rate a city or town may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate

reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

(5) A city or town may provide assistance to aid low-income persons in connection with services provided under this chapter.

(6) Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

(7) Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

(8) A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law.

Sec. 5214. RCW 36.89.080 and 2003 c 394 s 3 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, any county legislative authority may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served or receiving benefits or to be served or

to receive benefits from any stormwater control facility or contributing to an increase of surface water runoff. In fixing rates and charges, the county legislative authority may in its discretion consider:

(a) Services furnished or to be furnished;

(b) Benefits received or to be received;

(c) The character and use of land or its water runoff characteristics;

(d) The (~~nonprofit~~) public benefit nonprofit corporation status, as defined in ((RCW 24.03.490)) section 1701 of this act, of the land user;

(e) Income level of persons served or provided benefits under this chapter, including senior citizens and (~~disabled persons~~) individuals with disabilities; or

(f) Any other matters which present a reasonable difference as a ground for distinction.

(2) The rate a county may charge under this section for stormwater control facilities shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(3) Rates and charges authorized under this section may not be imposed on lands taxed as forestland under chapter 84.33 RCW or as timberland under chapter 84.34 RCW.

(4) The service charges and rates collected shall be deposited in a special fund or funds in the county treasury to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating stormwater control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving any of such facilities, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such purpose.

Sec. 5215. RCW 36.94.140 and 2005 c 324 s 2 are each amended to read as follows:

(1) Every county, in the operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate, and control it. Except as provided in subsection (3) of this section, every county shall have full jurisdiction and authority to fix, alter, regulate, and control the rates and charges for the service and facilities to those to whom such service and facilities are available, and to levy charges for connection to the system.

(2) The rates for availability of service and facilities, and connection charges so charged must be uniform for the same class of customers or service and facility. In classifying customers served, service furnished or made available by such system of sewerage and/or water, or the connection charges, the county legislative authority may consider any or all of the following factors:

(a) The difference in cost of service to the various customers within or without the area;

(b) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;

(c) The different character of the service and facilities furnished various customers;

(d) The quantity and quality of the sewage and/or water delivered and the time of its delivery;

(e) Capital contributions made to the system or systems, including, but not limited to, assessments;

(f) The cost of acquiring the system or portions of the system in making system improvements necessary for the public health and safety;

(g) The ~~((nonprofit))~~ public benefit nonprofit corporation status, as defined in ~~((RCW 24.03.490))~~ section 1701 of this act, of the land user; and

(h) Any other matters which present a reasonable difference as a ground for distinction.

(3) The rate a county may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water

sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) A county may provide assistance to aid low-income persons in connection with services provided under this chapter.

(5) The service charges and rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system.

(6) A connection charge under this section for service to a manufactured housing community, as defined in RCW 59.20.030, applies to an individual lot within that community only if the system of water or sewerage provides and maintains the connection.

Sec. 5216. RCW 39.34.030 and 2019 c 91 s 1 are each amended to read as follows:

(1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency.

(2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this chapter, except that any such joint or cooperative action by public agencies which are educational service districts and/or school districts shall comply with the provisions of RCW 28A.320.080. Appropriate action by ordinance,

resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(3) Any such agreement shall specify the following:

(a) Its duration;

(b) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created. Such entity may include a nonprofit corporation organized pursuant to chapter ~~((24.03))~~ 24.-- (the new chapter created in section 6101 of this act) or 24.06 RCW whose membership is limited solely to the participating public agencies or a partnership organized pursuant to chapter 25.04 or 25.05 RCW whose partners are limited solely to participating public agencies, or a limited liability company organized under chapter 25.15 RCW whose membership is limited solely to participating public agencies, and the funds of any such corporation, partnership, or limited liability company shall be subject to audit in the manner provided by law for the auditing of public funds;

(c) Its purpose or purposes;

(d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;

(e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination; and

(f) Any other necessary and proper matters.

(4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall contain, in addition to provisions specified in subsection (3) (a), (c), (d), (e), and (f) of this section, the following:

(a) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint

board, public agencies that are party to the agreement shall be represented; and

(b) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking. Any joint board is authorized to establish a special fund with a state, county, city, or district treasurer servicing an involved public agency designated "Operating fund of joint board."

(5) No agreement made pursuant to this chapter relieves any public agency of any obligation or responsibility imposed upon it by law except that:

(a) To the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made pursuant to this chapter, the performance may be offered in satisfaction of the obligation or responsibility; and

(b) With respect to one or more public agencies purchasing or otherwise contracting through a bid, proposal, or contract awarded by another public agency or by a group of public agencies, any obligation with respect to competitive bids or proposals that applies to the public agencies involved is satisfied if the public agency or group of public agencies that awarded the bid, proposal, or contract complied with its own statutory requirements and either (i) posted the bid or solicitation notice on a web site established and maintained by a public agency, purchasing cooperative, or similar service provider, for purposes of posting public notice of bid or proposal solicitations, or (ii) provided an access link on the state's web portal to the notice.

(6) (a) Any two or more public agencies may enter into a contract providing for the joint utilization of architectural or engineering services if:

(i) The agency contracting with the architectural or engineering firm complies with the requirements for contracting for such services under chapter 39.80 RCW; and

(ii) The services to be provided to the other agency or agencies are related to, and within the general scope of, the services the architectural or engineering firm was selected to perform.

(b) Any agreement providing for the joint utilization of architectural or

engineering services under this subsection must be executed for a scope of work specifically detailed in the agreement and must be entered into prior to commencement of procurement of such services under chapter 39.80 RCW.

(7) Financing of joint projects by agreement shall be as provided by law.

Sec. 5217. RCW 39.34.055 and 2011 1st sp.s. c 43 s 246 are each amended to read as follows:

The department of enterprise services may enter into an agreement with a public benefit nonprofit corporation to allow the public benefit nonprofit corporation to participate in state contracts for purchases administered by the department. Such agreement must comply with the requirements of RCW 39.34.030 through 39.34.050. For the purposes of this section "public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in (~~RCW 24.03.005~~) section 1701 of this act that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or a political subdivision of another state.

Sec. 5218. RCW 41.04.382 and 1993 c 194 s 4 are each amended to read as follows:

In order to qualify for services under RCW 41.04.380, state employee child care organizations shall be organized as nonprofit under chapter (~~24.03-RCW~~) 24.-- RCW (the new chapter created in section 6101 of this act).

Sec. 5219. RCW 43.06.335 and 2004 c 245 s 1 are each amended to read as follows:

(1) The Washington quality award council shall be organized as a private, nonprofit corporation, in accordance with chapter (~~24.03-RCW~~) 24.-- RCW (the new chapter created in section 6101 of this act) and this section.

(2) The council shall oversee the governor's Washington state quality award program. The purpose of the program is to improve the overall competitiveness of the state's economy by stimulating Washington state industries, business, and organizations to bring about measurable success through setting standards of organizational excellence, encouraging organizational self-assessment, identifying successful organizations as role models, and

providing a valuable mechanism for promoting and strengthening a commitment to continuous quality improvement in all sectors of the state's economy. The governor shall annually present the award to organizations that improve the quality of their products and services and are noteworthy examples of high-performing work organizations, as determined by the council in consultation with the governor or appointed representative.

(3) The governor shall appoint a representative to serve on the board of directors of the council.

(4) The council shall establish a board of examiners, a recognition committee, and such other committees or subgroups as it deems appropriate to carry out its responsibilities.

(5) The council may conduct such public information, research, education, and assistance programs as it deems appropriate to further quality improvement in organizations operating in the state of Washington.

(6) The council shall:

(a) Approve and announce award recipients;

(b) Approve guidelines to examine applicant organizations;

(c) Approve appointment of board of examiners; and

(d) Arrange appropriate annual awards and recognition for recipients.

Sec. 5220. RCW 43.07.120 and 2019 c 132 s 3 are each amended to read as follows:

(1) The secretary of state must establish by rule and collect the fees in this subsection:

(a) For a copy of any law, resolution, record, or other document or paper on file in the secretary's office;

(b) For any certificate under seal;

(c) For filing and recording trademark;

(d) For each deed or patent of land issued by the governor;

(e) For recording miscellaneous records, papers, or other documents.

(2) The secretary of state may adopt rules under chapter 34.05 RCW establishing reasonable fees for the following services rendered under

chapter 23.95 RCW, Title 23B RCW, chapter 18.100, 19.09, 19.77, 23.86, 23.90, ((24.03)) 24.-- (the new chapter created in section 6101 of this act), 24.06, 24.12, 24.20, 24.24, 24.28, 24.36, 25.04, 25.15, 25.10, 25.05, or 26.60 RCW:

(a) Any service rendered in-person at the secretary of state's office;

(b) Any expedited service;

(c) The electronic or facsimile transmittal of information from corporation records or copies of documents;

(d) The providing of information by micrographic or other reduced-format compilation;

(e) The handling of checks, drafts, or credit or debit cards upon adoption of rules authorizing their use for which sufficient funds are not on deposit; and

(f) Special search charges.

(3) To facilitate the collection of fees, the secretary of state may establish accounts for deposits by persons who may frequently be assessed such fees to pay the fees as they are assessed. The secretary of state may make whatever arrangements with those persons as may be necessary to carry out this section.

(4) The secretary of state may adopt rules for the use of credit or debit cards for payment of fees.

(5) No member of the legislature, state officer, justice of the supreme court, judge of the court of appeals, or judge of the superior court may be charged for any search relative to matters pertaining to the duties of his or her office; nor may such official be charged for a certified copy of any law or resolution passed by the legislature relative to his or her official duties, if such law has not been published as a state law.

Sec. 5221. RCW 43.07.190 and 2016 c 202 s 62 are each amended to read as follows:

Where the secretary of state determines that a summary face sheet or cover sheet would expedite review of any documents made under Title 23B RCW, or chapter 18.100, 23.86, 23.90, ((24.03)) 24.-- (the new chapter created in section 6101 of this act), 24.06, 24.12, 24.20, 24.24, 24.36, 25.10, or 25.15 RCW, the secretary of state may require the use of

a summary face sheet or cover sheet that accurately reflects the contents of the attached document. The secretary of state may, by rule adopted under chapter 34.05 RCW, specify the required contents of any summary face sheet and the type of document or documents in which the summary face sheet will be required, in addition to any other filing requirements which may be applicable.

Sec. 5222. RCW 43.15.030 and 2020 c 114 s 18 are each amended to read as follows:

(1) The Washington state leadership board is organized as a private, nonprofit, nonpartisan corporation in accordance with chapter ((24.03 RCW)) 24.-- RCW (the new chapter created in section 6101 of this act) and this section.

(2) The purpose of the Washington state leadership board is to:

(a) Provide the state a means of extending formal recognition for an individual's outstanding services to the state;

(b) Bring together those individuals to serve the state as ambassadors of trade, tourism, and international goodwill; and

(c) Expand educational, sports, leadership, and/or employment opportunities for youth, veterans, and people with disabilities in Washington state.

(3) The Washington state leadership board may conduct activities in support of their mission.

(4) The Washington state leadership board is governed by a board of directors. The board of directors is composed of the governor, the lieutenant governor, and the secretary of state, who serve as ex officio, nonvoting members, and other officers and members as the Washington state leadership board designates. In addition, four legislators may be appointed to the board of directors as ex officio members in the following manner: One legislator from each of the two largest caucuses of the senate, appointed by the president of the senate, and one legislator from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(5) The board of directors shall adopt bylaws and establish governance and transparency policies.

(6) The lieutenant governor's office may provide technical and financial assistance for the Washington state leadership board, where the work of the board aligns with the mission of the office. Assistance from the lieutenant governor's office may include, but is not limited to:

(a) Collaboration with the Washington state leadership board on the Washington world fellows program, a college readiness and study abroad fellowship administered by the office of the lieutenant governor;

(b) Beginning January 1, 2019, collaboration with the Washington state leadership board to administer the sports mentoring program as established under RCW 43.15.100, a mentoring program to encourage underserved youth to join sports or otherwise participate in the area of sports. If approved by the board, boundless Washington, an outdoor leadership program for young people with disabilities, shall satisfy the terms of the sports mentoring program; and

(c) The compilation of a yearly financial report, which shall be made available to the legislature no later than January 15th of each year, detailing all revenues and expenditures associated with the Washington world fellows program and the sports mentoring program. Any expenditures made by the Washington state leadership board in support of the Washington world fellows program and the sports mentoring program shall be made available to the office of the lieutenant governor for the purpose of inclusion in the annual financial report.

(7) The legislature may make appropriations in support of the Washington state leadership board subject to the availability of funds.

(8) The office of the lieutenant governor must post on its web site detailed information on all funds received by the Washington state leadership board and all expenditures by the Washington state leadership board.

Sec. 5223. RCW 43.105.020 and 2017 c 92 s 2 are each amended to read as follows:

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

(1) "Agency" means the consolidated technology services agency.

(2) "Board" means the technology services board.

(3) "Customer agencies" means all entities that purchase or use information technology resources, telecommunications, or services from the consolidated technology services agency.

(4) "Director" means the state chief information officer, who is the director of the consolidated technology services agency.

(5) "Enterprise architecture" means an ongoing activity for translating business vision and strategy into effective enterprise change. It is a continuous activity. Enterprise architecture creates, communicates, and improves the key principles and models that describe the enterprise's future state and enable its evolution.

(6) "Equipment" means the machines, devices, and transmission facilities used in information processing, including but not limited to computers, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment.

(7) "Information" includes, but is not limited to, data, text, voice, and video.

(8) "Information security" means the protection of communication and information resources from unauthorized access, use, disclosure, disruption, modification, or destruction in order to:

(a) Prevent improper information modification or destruction;

(b) Preserve authorized restrictions on information access and disclosure;

(c) Ensure timely and reliable access to and use of information; and

(d) Maintain the confidentiality, integrity, and availability of information.

(9) "Information technology" includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data,

computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, radio technologies, and all related interactions between people and machines.

(10) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments.

(11) "K-20 network" means the network established in RCW 43.41.391.

(12) "Local governments" includes all municipal and quasi-municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately.

(13) "Office" means the office of the state chief information officer within the consolidated technology services agency.

(14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications.

(15) "Proprietary software" means that software offered for sale or license.

(16) "Public agency" means any agency of this state or another state; any political subdivision or unit of local government of this state or another state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any public benefit nonprofit corporation; any agency of the United States; and any Indian tribe recognized as such by the federal government.

(17) "Public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in (~~RCW 24.03.005~~) section 1701 of this act that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or political subdivision of another state.

(18) "Public record" has the definitions in RCW 42.56.010 and chapter 40.14 RCW and includes legislative records and court records that are available for public inspection.

(19) "Public safety" refers to any entity or services that ensure the welfare and protection of the public.

(20) "Security incident" means an accidental or deliberative event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of communication and information resources.

(21) "State agency" means every state office, department, division, bureau, board, commission, or other state agency, including offices headed by a statewide elected official.

(22) "Telecommunications" includes, but is not limited to, wireless or wired systems for transport of voice, video, and data communications, network systems, requisite facilities, equipment, system controls, simulation, electronic commerce, and all related interactions between people and machines.

(23) "Utility-based infrastructure services" includes personal computer and portable device support, servers and server administration, security administration, network administration, telephony, email, and other information technology services commonly used by state agencies.

Sec. 5224. RCW 43.210.020 and 1998 c 109 s 1 are each amended to read as follows:

A nonprofit corporation, to be known as the small business export finance assistance center, and branches subject to its authority, may be formed under chapter (~~(24.03 RCW)~~) 24.-- RCW (the new chapter created in section 6101 of this act) for the following public purposes:

(1) To assist small and medium-sized businesses in both urban and rural areas in the financing of export transactions.

(2) To provide, singly or in conjunction with other organizations, information and assistance to these businesses about export opportunities and financing alternatives.

Sec. 5225. RCW 43.210.040 and 2010 c 166 s 1 are each amended to read as follows:

(1) The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 has the powers granted under chapter (~~(24.03 RCW)~~) 24.-

- RCW (the new chapter created in section 6101 of this act). In exercising such powers, the center may:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other sources to carry out its purposes;

(b) Make loans or provide loan guarantees on loans made by financial institutions to Washington businesses with annual sales of two hundred million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries and for the purpose of financing business growth to accommodate increased export sales. Loans or loan guarantees made under the authority of this section may only be considered upon a financial institution's assurance that such loan or loan guarantee is otherwise not available;

(c) Provide assistance to businesses with annual sales of two hundred million dollars or less in obtaining loans and guarantees of loans made by financial institutions for the purpose of financing export of goods or services from the state of Washington;

(d) Provide export finance and risk mitigation counseling to Washington exporters with annual sales of two hundred million dollars or less, provided that such counseling is not practicably available from a Washington for-profit business. For such counseling, the center may charge reasonable fees as it determines are necessary;

(e) Provide assistance in obtaining export credit insurance or alternate forms of foreign risk mitigation to facilitate the export of goods and services from the state of Washington;

(f) Be available as a teaching resource to both public and private sponsors of workshops and programs relating to the financing and risk mitigation aspects of exporting products and services from the state of Washington;

(g) Develop a comprehensive inventory of export-financing resources, both public and private, including information on resource applicability to specific countries and payment terms;

(h) Contract with the federal government and its agencies to become a

program administrator for federally provided loan guarantee and export credit insurance programs; and

(i) Take whatever action may be necessary to accomplish the purposes set forth in this chapter.

(2) The center may not use any Washington state funds or funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(3) The small business export finance assistance center shall make every effort to seek nonstate funds for its continued operation.

(4) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the small business export finance assistance center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Sec. 5226. RCW 43.330.135 and 2009 c 565 s 8 are each amended to read as follows:

(1) The department of commerce shall distribute such funds as are appropriated for the statewide technical support, development, and enhancement of court-appointed special advocate programs.

(2) In order to receive money under subsection (1) of this section, an organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must meet all of the following requirements:

(a) The organization must provide statewide support, development, and enhancement of court-appointed special advocate programs that offer guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and 13.34.100;

(b) All guardians ad litem working under court-appointed special advocate

programs supported, developed, or enhanced by the organization must be volunteers and may not receive payment for services rendered pursuant to the program. The organization may include paid positions that are exclusively administrative in nature, in keeping with the scope and purpose of this section; and

(c) The organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must be a public benefit nonprofit corporation as defined in (~~RCW 24.03.490~~) section 1701 of this act.

(3) If more than one organization is eligible to receive money under this section, the department shall develop criteria for allocation of appropriated money among the eligible organizations.

Sec. 5227. RCW 46.19.020 and 2017 c 151 s 1 are each amended to read as follows:

(1) The following organizations may apply for special parking privileges:

- (a) Public transportation authorities;
- (b) Nursing homes licensed under chapter 18.51 RCW;
- (c) Assisted living facilities licensed under chapter 18.20 RCW;
- (d) Senior citizen centers;
- (e) Accessible van rental companies registered with the department;
- (f) Private nonprofit corporations (~~as defined in RCW 24.03.005~~) organized under chapter 24.-- RCW (the new chapter created in section 6101 of this act);

(g) Cabulance companies that regularly transport persons with disabilities who have been determined eligible for special parking privileges under this section and who are registered with the department under chapter 46.72 RCW; and

(h) Companies that dispatch taxicab vehicles under chapter 81.72 RCW or vehicles for hire under chapter 46.72 RCW, for such vehicles that are equipped with wheelchair accessible lifts or ramps for the transport of persons with disabilities and that are regularly dispatched and used in the transport of such persons. However, qualifying vehicles under this subsection (1) (h) may utilize special parking privileges only while in service. For the purposes of

this subsection (1) (h), "in service" means while in the process of picking up, transporting, or discharging a passenger.

(2) An organization that qualifies for special parking privileges may receive, upon application, special license plates or parking placards, or both, for persons with disabilities as defined by the department.

(3) An organization that qualifies for special parking privileges under subsection (1) of this section and receives parking placards or special license plates under subsection (2) of this section is responsible for ensuring that the parking placards and special license plates are not used improperly and is responsible for all fines and penalties for improper use.

(4) The department shall adopt rules to determine organization eligibility.

Sec. 5228. RCW 48.30.135 and 2015 c 272 s 4 are each amended to read as follows:

(1) An insurance producer may sponsor events for, or make contributions to a bona fide charitable or nonprofit organization, if the sponsorship or contribution is not conditioned upon the organization applying for or obtaining insurance through the insurance producer.

(2) For purposes of this section, a bona fide charitable or nonprofit organization is:

(a) Any nonprofit corporation duly existing under the provisions of chapter (~~24.03 RCW~~) 24.-- RCW (the new chapter created in section 6101 of this act) for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, cultural, athletic, scientific, agricultural, or horticultural purposes;

(b) Any professional, commercial, industrial, or trade association;

(c) Any organization duly existing under the provisions of chapter 24.12, 24.20, or 24.28 RCW;

(d) Any agricultural fair authorized under the provisions of chapter 15.76 or 36.37 RCW; or

(e) Any nonprofit organization, whether incorporated or otherwise, when determined by the commissioner to be organized and operated for one or more of

the purposes described in (a) through (d) of this subsection.

(3) RCW 48.30.140 and 48.30.150 do not apply to sponsorships or charitable contributions that are provided or given in compliance with subsection (1) of this section.

Sec. 5229. RCW 48.62.021 and 2015 c 109 s 2 are each reenacted and amended to read as follows:

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

(1) "Health and welfare benefits" means a plan or program established by a local government entity or entities for the purpose of providing its employees and their dependents, and in the case of school districts, its district employees, students, directors, or any of their dependents, with health care, accident, disability, death, and salary protection benefits.

(2) "Local government entity" or "entity" means every unit of local government, both general purpose and special purpose, and includes, but is not limited to, counties, cities, towns, port districts, public utility districts, water-sewer districts, school districts, fire protection districts, irrigation districts, metropolitan municipal corporations, conservation districts, and other political subdivisions, governmental subdivisions, municipal corporations, quasi-municipal corporations, nonprofit corporations comprised of only units of local government, or a group comprised of local governments joined by an interlocal agreement authorized by chapter 39.34 RCW.

(3) "Nonprofit corporation" or "corporation" has the same meaning as defined in (~~RCW 24.03.005(3)~~) section 1102 of this act or a similar statute with similar intent within the entity's state of domicile.

(4) "Property and liability risks" includes the risk of property damage or loss sustained by a local government entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the local government entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the local government entity.

(5) "Risk assumption" means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses.

(6) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(7) "State risk manager" means the risk manager of the office of risk management within the department of enterprise services.

Sec. 5230. RCW 48.180.010 and 2015 c 109 s 6 are each amended to read as follows:

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

(1) "Nonprofit corporation" or "corporation" has the same meaning as defined in (~~RCW 24.03.005~~) section 1102 of this act.

(2) "Property and liability risks" includes the risk of property damage or loss sustained by a nonprofit corporation and the risk of claims arising from the tortious or negligent conduct or any error or omission of the entity, its officers, employees, agents, or volunteers as a result of a claim that may be made against the entity.

(3) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(4) "State risk manager" means the risk manager of the office of risk management within the department of enterprise services.

Sec. 5231. RCW 64.34.300 and 1992 c 220 s 14 are each amended to read as follows:

A unit owners' association shall be organized no later than the date the first unit in the condominium is conveyed. The membership of the association at all times shall consist exclusively of all the unit owners. Following termination of the condominium, the membership of the association shall consist of all of the unit owners at the time of termination

entitled to distributions of proceeds under RCW 64.34.268 or their heirs, successors, or assigns. The association shall be organized as a profit or nonprofit corporation. In case of any conflict between Title 23B RCW, the business corporation act, chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act), the nonprofit corporation act, or chapter 24.06 RCW, the nonprofit miscellaneous and mutual corporations act, and this chapter, this chapter shall control.

Sec. 5232. RCW 64.38.025 and 2019 c 238 s 222 are each amended to read as follows:

(1) Except as provided in the association's governing documents or this chapter, the board of directors shall act in all instances on behalf of the association. In the performance of their duties, the officers and members of the board of directors shall exercise the degree of care and loyalty required of an officer or director of a corporation organized under chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act).

(2) The board of directors shall not act on behalf of the association to amend the articles of incorporation, to take any action that requires the vote or approval of the owners, to terminate the association, to elect members of the board of directors, or to determine the qualifications, powers, and duties, or terms of office of members of the board of directors; but the board of directors may fill vacancies in its membership of the unexpired portion of any term.

(3) Except as provided in RCW 64.90.080, 64.90.405(1) (b) and (c), and 64.90.525, within thirty days after adoption by the board of directors of any proposed regular or special budget of the association, the board shall set a date for a meeting of the owners to consider ratification of the budget not less than fourteen nor more than sixty days after mailing of the summary. Unless at that meeting the owners of a majority of the votes in the association are allocated or any larger percentage specified in the governing documents reject the budget, in person or by proxy, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the owners shall be continued until such time as the owners ratify a

subsequent budget proposed by the board of directors.

(4) As part of the summary of the budget provided to all owners, the board of directors shall disclose to the owners:

(a) The current amount of regular assessments budgeted for contribution to the reserve account, the recommended contribution rate from the reserve study, and the funding plan upon which the recommended contribution rate is based;

(b) If additional regular or special assessments are scheduled to be imposed, the date the assessments are due, the amount of the assessments per each owner per month or year, and the purpose of the assessments;

(c) Based upon the most recent reserve study and other information, whether currently projected reserve account balances will be sufficient at the end of each year to meet the association's obligation for major maintenance, repair, or replacement of reserve components during the next thirty years;

(d) If reserve account balances are not projected to be sufficient, what additional assessments may be necessary to ensure that sufficient reserve account funds will be available each year during the next thirty years, the approximate dates assessments may be due, and the amount of the assessments per owner per month or year;

(e) The estimated amount recommended in the reserve account at the end of the current fiscal year based on the most recent reserve study, the projected reserve account cash balance at the end of the current fiscal year, and the percent funded at the date of the latest reserve study;

(f) The estimated amount recommended in the reserve account based upon the most recent reserve study at the end of each of the next five budget years, the projected reserve account cash balance in each of those years, and the projected percent funded for each of those years; and

(g) If the funding plan approved by the association is implemented, the projected reserve account cash balance in each of the next five budget years and the percent funded for each of those years.

(5) The owners by a majority vote of the voting power in the association present, in person or by proxy, and entitled to vote at any meeting of the owners at which a quorum is present, may remove any member of the board of directors with or without cause.

Sec. 5233. RCW 64.90.400 and 2018 c 277 s 301 are each amended to read as follows:

(1) A unit owners association must be organized no later than the date the first unit in the common interest community is conveyed to a purchaser.

(2) The membership of the association at all times consists exclusively of all unit owners or, following termination of the common interest community, of all former unit owners entitled to distributions of proceeds under RCW 64.90.290 or their heirs, successors, or assigns.

(3) The association must have a board and be organized as a for-profit or nonprofit corporation or limited liability company.

(4) In case of any conflict between Title 23B RCW or chapter 23.86, (~~(24.03)~~) 24.-- (the new chapter created in section 6101 of this act), 24.06, or 25.15 RCW and this chapter, this chapter controls.

Sec. 5234. RCW 66.24.495 and 1997 c 321 s 33 are each amended to read as follows:

(1) There shall be a license to be designated as a nonprofit arts organization license. This shall be a special license to be issued to any nonprofit arts organization which sponsors and presents productions or performances of an artistic or cultural nature in a specific theater or other appropriate designated indoor premises approved by the board. The license shall permit the licensee to sell liquor to patrons of productions or performances for consumption on the premises at these events. The fee for the license shall be two hundred fifty dollars per annum.

(2) For the purposes of this section, the term "nonprofit arts organization" means an organization which is organized and operated for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (3) of this section, for viewing or attendance by the

general public. The organization must be a not-for-profit corporation under chapter (~~(24.03 RCW)~~) 24.-- RCW (the new chapter created in section 6101 of this act) and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, the corporation must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the license is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The proceeds derived from sales of liquor, except for reasonable operating costs, must be used in furtherance of the purposes of the organization;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The liquor (~~(control)~~) and cannabis board shall have access to its books in order to determine whether the corporation is entitled to a license.

(3) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

Sec. 5235. RCW 66.24.680 and 2014 c 78 s 1 are each amended to read as follows:

(1) There shall be a license to be designated as a senior center license. This shall be a license issued to a nonprofit organization whose primary service is providing recreational and social activities for seniors on the licensed premises. This license shall permit the licensee to sell spirits by the individual glass, including mixed drinks and cocktails mixed on the premises only, beer and wine, at retail for consumption on the premises.

(2) To qualify for this license, the applicant entity must:

(a) Be a nonprofit organization under chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act);

(b) Be open at times and durations established by the board; and

(c) Provide limited food service as defined by the board.

(3) All alcohol servers must have a valid mandatory alcohol server training permit.

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

(5) The annual fee for this license shall be seven hundred twenty dollars.

Sec. 5236. RCW 68.20.020 and 1983 c 3 s 167 are each amended to read as follows:

Any private corporation authorized by its articles so to do, may establish, maintain, manage, improve, or operate a cemetery, and conduct any or all of the businesses of a cemetery, either for or without profit to its members or stockholders. A nonprofit cemetery corporation may be organized in the manner provided in chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act). A profit corporation may be organized in the manner provided in the general corporation laws of the state of Washington.

Sec. 5237. RCW 70.45.070 and 1997 c 332 s 7 are each amended to read as follows:

The department shall only approve an application if the parties to the acquisition have taken the proper steps to safeguard the value of charitable assets and ensure that any proceeds from the acquisition are used for appropriate charitable health purposes. To this end, the department may not approve an application unless, at a minimum, it determines that:

(1) The acquisition is permitted under chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act), the Washington nonprofit corporation act, and other laws governing nonprofit entities, trusts, or charities;

(2) The nonprofit corporation that owns the hospital being acquired has exercised due diligence in authorizing the acquisition, selecting the acquiring person, and negotiating the terms and conditions of the acquisition;

(3) The procedures used by the nonprofit corporation's board of trustees and officers in making its decision fulfilled their fiduciary duties, that the board and officers were sufficiently informed about the proposed acquisition and possible alternatives, and that they used appropriate expert assistance;

(4) No conflict of interest exists related to the acquisition, including, but not limited to, conflicts of interest related to board members of, executives of, and experts retained by the nonprofit corporation, acquiring person, or other parties to the acquisition;

(5) The nonprofit corporation will receive fair market value for its assets. The attorney general or the department may employ, at the expense of the acquiring person, reasonably necessary expert assistance in making this determination. This expense must be in addition to the fees charged under RCW 70.45.030;

(6) Charitable funds will not be placed at unreasonable risk, if the acquisition is financed in part by the nonprofit corporation;

(7) Any management contract under the acquisition will be for fair market value;

(8) The proceeds from the acquisition will be controlled as charitable funds independently of the acquiring person or parties to the acquisition, and will be used for charitable health purposes consistent with the nonprofit corporation's original purpose, including providing health care to the disadvantaged, the uninsured, and the underinsured and providing benefits to promote improved health in the affected community;

(9) Any charitable entity established to hold the proceeds of the acquisition will be broadly based in and representative of the community where the hospital to be acquired is located, taking into consideration the structure and governance of such entity; and

(10) A right of first refusal to repurchase the assets by a successor nonprofit corporation or foundation has been retained if the hospital is subsequently sold to, acquired by, or merged with another entity.

Sec. 5238. RCW 70.290.030 and 2013 c 144 s 48 are each amended to read as follows:

(1) The association is comprised of all health carriers issuing or renewing health benefit plans in Washington state and all third-party administrators conducting business on behalf of residents of Washington state or Washington health care providers and facilities. Third-party administrators are subject to registration under RCW 70.290.075.

(2) The association is a nonprofit corporation under chapter ~~((24.03-RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act) and has the powers granted under that chapter.

(3) The board of directors includes the following voting members:

(a) Four members, selected from health carriers or third-party administrators, excluding health maintenance organizations, that have the most fully insured and self-funded covered lives in Washington state. The count of total covered lives includes enrollment in all companies included in their holding company system. Each health carrier or third-party administrator is entitled to no more than a single position on the board to represent all entities under common ownership or control.

(b) One member selected from the health maintenance organization having the most fully insured and self-insured covered lives in Washington state. The count of total lives includes enrollment in all companies included in its holding company system. Each health maintenance organization is entitled to no more than a single position on the board to represent all entities under common ownership or control.

(c) One member, representing health carriers not otherwise represented on the board under (a) or (b) of this subsection, who is elected from among the health carrier members not designated under (a) or (b) of this subsection.

(d) One member, representing Taft Hartley plans, appointed by the secretary from a list of nominees submitted by the Northwest administrators association.

(e) One member representing Washington state employers offering self-funded health coverage, appointed by the secretary from a list of nominees submitted by the Puget Sound health alliance.

(f) Two physician members appointed by the secretary, including at least one board certified pediatrician.

(g) The secretary, or a designee of the secretary with expertise in childhood immunization purchasing and distribution.

(4) The directors' terms and appointments must be specified in the plan of operation adopted by the association.

(5) The board of directors of the association must:

(a) Prepare and adopt articles of association and bylaws;

(b) Prepare and adopt a plan of operation. The plan of operation must include a dispute mechanism through which a carrier or third-party administrator can challenge an assessment determination by the board under RCW 70.290.040. The board must include a means to bring unresolved disputes to an impartial decision maker as a component of the dispute mechanism;

(c) Submit the plan of operation to the secretary for approval;

(d) Conduct all activities in accordance with the approved plan of operation;

(e) Enter into contracts as necessary or proper to collect and disburse the assessment;

(f) Enter into contracts as necessary or proper to administer the plan of operation;

(g) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessment for, on behalf of, or against members of the association or other participating person;

(h) Appoint, from among its directors, committees as necessary to provide technical assistance in the operation of the association, including the hiring of independent consultants as necessary;

(i) Obtain such liability and other insurance coverage for the benefit of the association, its directors, officers, employees, and agents as may in the judgment of the board of directors be helpful or necessary for the operation of the association;

(j) On an annual basis, beginning no later than November 1, 2010, and by November 1st of each year thereafter, establish the estimated amount of the assessment;

(k) Notify, in writing, each health carrier and third-party administrator of the health carrier's or third-party administrator's estimated total assessment by November 15th of each year;

(l) Submit a periodic report to the secretary listing those health carriers or third-party administrators that failed to remit their assessments and audit health carrier and third-party administrator books and records for accuracy of assessment payment submission;

(m) Allow each health carrier or third-party administrator no more than ninety days after the notification required by (k) of this subsection to remit any amounts in arrears or submit a payment plan, subject to approval by the association and initial payment under an approved payment plan;

(n) Deposit annual assessments collected by the association, less the association's administrative costs, with the state treasurer to the credit of the universal vaccine purchase account established in RCW 43.70.720;

(o) Borrow and repay such working capital, reserve, or other funds as, in the judgment of the board of directors, may be helpful or necessary for the operation of the association; and

(p) Perform any other functions as may be necessary or proper to carry out the plan of operation and to affect any or all of the purposes for which the association is organized.

(6) The secretary must convene the initial meeting of the association board of directors.

Sec. 5239. RCW 74.15.020 and 2020 c 331 s 10 and 2020 c 265 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency

and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high-quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or

her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter

18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o)(i) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (B) screens and provides case management services to youth in the program; (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (E) provides mandatory reporter and confidentiality training; and (F) registers with the secretary of state

~~((as provided in RCW 24.03.550))~~ under section 5104 of this act.

(ii) For purposes of this section, a "host home" is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

(iii) For purposes of this section, a "host home program" is a program that provides support to individual host homes and meets the requirements of (o)(i) of this subsection.

(iv) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state;

(p) Receiving centers as defined in RCW 7.68.380.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 5240. RCW 79A.30.030 and 2013 c 31 s 2 are each amended to read as follows:

(1) A nonprofit corporation may be formed under the nonprofit corporation provisions of chapter ~~((24.03-RCW))~~ 24.-RCW (the new chapter created in section 6101 of this act) to carry out the purposes of this chapter. Except as provided in RCW 79A.30.040, the corporation shall have all the powers and be subject to the same restrictions as are permitted or prescribed to nonprofit corporations and shall exercise those powers only for carrying out the purposes of this chapter and those purposes necessarily implied therefrom. The nonprofit corporation shall be known as

the Washington state horse park authority. The articles of incorporation shall provide that it is the responsibility of the authority to develop, promote, operate, manage, and maintain the Washington state horse park. The articles of incorporation shall provide for appointment of directors and other conduct of business consistent with the requirements of this chapter.

(2) (a) The articles of incorporation shall provide for an eleven-member board of directors for the authority, all appointed by the commission. Board members shall serve three-year terms, except that two of the original appointees shall serve one-year terms, and two of the original appointees shall serve two-year terms. Of the board members appointed pursuant to chapter 31, Laws of 2013, one shall serve an initial one-year term, one shall serve an initial two-year term, and two shall serve an initial term of three years. A board member may serve consecutive terms.

(b) The articles of incorporation shall provide that the commission appoint board members as follows:

(i) One board member shall represent the interests of the commission;

(ii) One board member shall represent the interests of the county in which the park is located. In making this appointment, the commission shall solicit recommendations from the county legislative authority; and

(iii) Nine board members shall represent the geographic and sports discipline diversity of equestrian interests in the state, and at least three of these members shall have business experience relevant to the organization of horse shows or operation of a horse show facility. In making these appointments, the commission shall solicit recommendations from a variety of active horse-related organizations in the state.

(3) The articles of incorporation shall include a policy that provides for the preferential use of a specific area of the horse park facilities at nominal cost for horse groups associated with youth groups and individuals with disabilities.

(4) The commission shall make appointments to fill board vacancies for positions authorized under subsection (2) of this section, upon additional

solicitation of recommendations from the board of directors.

(5) The board of directors shall perform their duties in the best interests of the authority, consistent with the standards applicable to directors of nonprofit corporations under (~~RCW 24.03.127~~) section 2402 of this act.

Sec. 5241. RCW 79A.30.040 and 1995 c 200 s 5 are each amended to read as follows:

To meet its responsibility for developing, promoting, operating, managing, and maintaining the state horse park, the authority is empowered to do the following:

(1) Exercise the general powers authorized for any nonprofit corporation as specified in (~~RCW 24.03.035~~) section 1403 of this act. All debts of the authority shall be in the name of the authority and shall not be debts of the state of Washington for which the state or any state agency shall have any obligation to pay; and the authority may not issue bonds. Neither the full faith and credit of the state nor the state's taxing power is pledged for any indebtedness of the authority;

(2) Employ and discharge at its discretion employees, agents, advisors, and other personnel;

(3) Apply for or solicit, accept, administer, and dispose of grants, gifts, and bequests of money, services, securities, real estate, or other property. However, if the authority accepts a donation designated for a specific purpose, the authority shall use the donation for the designated purpose;

(4) Establish, revise, collect, manage, and expend such fees and charges at the state horse park as the authority deems necessary to accomplish its responsibilities;

(5) Make such expenditures as are appropriate for paying the administrative costs and expenses of the authority and the state horse park;

(6) Authorize use of the state horse park facilities by the general public and by and for compatible nonequestrian events as the authority deems reasonable, so long as the primacy of the center for horse-related purposes is not compromised;

(7) Insure its obligations and potential liability;

(8) Enter into cooperative agreements with and provide for private nonprofit groups to use the state horse park facilities and property to raise money to contribute gifts, grants, and support to the authority for the purposes of this chapter;

(9) Grant concessions or leases at the state horse park upon such terms and conditions as the authority deems appropriate, but in no event shall the term of a concession or lease exceed twenty-five years. Concessions and leases shall be consistent with the purposes of this chapter and may be renegotiated at least every five years; and

(10) Generally undertake any and all lawful acts necessary or appropriate to carry out the purposes for which the authority and the state horse park are created.

Sec. 5242. RCW 79A.35.130 and 2011 c 56 s 1 are each amended to read as follows:

Participants in conservation corps programs offered by a nonprofit organization affiliated with a national service organization established under the authority of the national and community service trust act of 1993, P.L. 103-82, are exempt from provisions related to rates of compensation while performing environmental and trail maintenance work provided:

(1) The nonprofit organization must be registered as a nonprofit corporation pursuant to chapter ~~((24.03-RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act);

(2) The nonprofit organization's management and administrative headquarters must be located in Washington;

(3) Participants in the program spend at least fifteen percent of their time in the program on education and training activities; and

(4) Participants in the program receive a stipend or living allowance as authorized by federal or state law.

Participants are exempt from provisions related to rates of compensation only for environmental and trail maintenance work conducted

pursuant to the conservation corps program.

Sec. 5243. RCW 79A.70.030 and 2014 c 86 s 8 are each amended to read as follows:

(1) By September 1, 2000, the commission shall file articles of incorporation in accordance with the Washington nonprofit corporation act, chapter ~~((24.03-RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act), to establish the Washington state parks foundation. The foundation shall not be an agency, instrumentality, or political subdivision of the state and shall not disburse public funds.

(2) The foundation shall have a board of directors consisting of up to fifteen members, whose terms, method of appointment, and authority must be in accordance with the Washington nonprofit corporation act, chapter ~~((24.03-RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act).

Sec. 5244. RCW 82.04.4251 and 2006 c 310 s 1 are each amended to read as follows:

This chapter does not apply to amounts received by a nonprofit corporation organized under chapter ~~((24.03-RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act) as payments or contributions from the state or any county, city, town, municipal corporation, quasi-municipal corporation, federally recognized Indian tribe, port district, or public corporation for the promotion of conventions and tourism.

Sec. 5245. RCW 82.04.4264 and 2012 c 10 s 71 are each amended to read as follows:

(1) This chapter does not apply to amounts received by a nonprofit assisted living facility licensed under chapter 18.20 RCW for providing room and domiciliary care to residents of the assisted living facility.

(2) As used in this section:

(a) "Domiciliary care" has the meaning provided in RCW 18.20.020.

(b) "Nonprofit assisted living facility" means an assisted living facility that is operated as a religious or charitable organization, is exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3), is incorporated under

chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act), is operated as part of a nonprofit hospital, or is operated as part of a public hospital district.

Sec. 5246. RCW 82.04.431 and 2011 1st sp.s. c 19 s 3 are each amended to read as follows:

(1) The term "health or social welfare organization" means an organization, including any community action council, which renders health or social welfare services as defined in subsection (2) of this section, which is a domestic or foreign ((~~not-for-profit~~)) nonprofit corporation under chapter ((~~24.03 RCW~~)) 24.-- RCW (the new chapter created in section 6101 of this act) and which is managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or which is a corporation sole under chapter 24.12 RCW. Health or social welfare organization does not include a corporation providing professional services as authorized in chapter 18.100 RCW. In addition a corporation in order to be exempt under RCW 82.04.4297 must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public service of the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;

(e) The amounts received qualifying for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue must have access to its books in order to determine whether the corporation is exempt from taxes within the intent of RCW 82.04.4297 and this section.

(2) The term "health or social welfare services" includes and is limited to:

(a) Mental health, drug, or alcoholism counseling or treatment;

(b) Family counseling;

(c) Health care services;

(d) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically, developmentally, or emotionally-disabled individuals;

(e) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;

(f) Care of orphans or foster children;

(g) Day care of children;

(h) Employment development, training, and placement;

(i) Legal services to the indigent;

(j) Weatherization assistance or minor home repair for low-income homeowners or renters;

(k) Assistance to low-income homeowners and renters to offset the cost of home heating energy, through direct benefits to eligible households or to fuel vendors on behalf of eligible households;

(l) Community services to low-income individuals, families, and groups, which are designed to have a measurable and potentially major impact on causes of poverty in communities of the state; and

(m) Temporary medical housing, as defined in RCW 82.08.997, if the housing is provided only:

(i) While the patient is receiving medical treatment at a hospital required to be licensed under RCW 70.41.090 or at an outpatient clinic associated with such hospital, including any period of recuperation or observation immediately following such medical treatment; and

(ii) By a person that does not furnish lodging or related services to the general public.

Sec. 5247. RCW 82.04.4328 and 2020 c 139 s 9 are each amended to read as follows:

(1) For the purposes of RCW 82.04.4327, 82.08.031, and 82.12.031, the term "artistic or cultural organization" means an organization that is organized and operated exclusively for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (2) of this section, for viewing or attendance by the general public. The organization must be a ~~((not for profit))~~ nonprofit corporation under chapter ((24.03 RCW)) 24.-- RCW (the new chapter created in section 6101 of this act) and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, to qualify for deduction or exemption from taxation under RCW 82.04.4327, 82.08.031, and 82.12.031, the corporation must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The amounts received that qualify for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue must have access to its books in order to determine whether the corporation is exempt from taxes.

(2) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

Sec. 5248. RCW 82.08.0203 and 2008 c 260 s 1 are each amended to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales of trail grooming services to the state of Washington or nonprofit corporations organized under chapter ~~((24.03 RCW))~~ 24.-- RCW (the new chapter created in section 6101 of this act). For the purposes of this section, "trail grooming" means the activity of snow compacting, snow redistribution, or snow removal on state-owned or privately owned trails.

Sec. 5249. RCW 82.08.0293 and 2019 c 8 s 401 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of food and food ingredients. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include:

(a) "Alcoholic beverages," which means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume;

(b) "Tobacco," which means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco; and

(c) Marijuana, useable marijuana, or marijuana-infused products.

(2) The exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to prepared food, soft drinks, bottled water, or dietary supplements. The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Bottled water" means water that is placed in a safety sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: (i) Antimicrobial agents; (ii) fluoride; (iii) carbonation; (iv) vitamins, minerals, and electrolytes; (v) oxygen; (vi) preservatives; and (vii) only those flavors, extracts, or essences derived from a spice or fruit. "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(b) "Dietary supplement" means any product, other than tobacco, intended to supplement the diet that:

(i) Contains one or more of the following dietary ingredients:

- (A) A vitamin;
- (B) A mineral;
- (C) An herb or other botanical;
- (D) An amino acid;

(E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or

(F) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in this subsection;

(ii) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(iii) Is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label as required pursuant to 21 C.F.R. Sec. 101.36, as amended or renumbered as of January 1, 2003.

(c) (i) "Prepared food" means:

(A) Food sold in a heated state or heated by the seller;

(B) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food; or

(C) Two or more food ingredients mixed or combined by the seller for sale as a single item, except:

(I) Food that is only cut, repackaged, or pasteurized by the seller; or

(II) Raw eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal food and drug administration in chapter 3, part 401.11 of The Food Code, published by the food and drug administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness.

(ii) Food is "sold with eating utensils provided by the seller" if:

(A) The seller's customary practice for that item is to physically deliver or hand a utensil to the customer with the food or food ingredient as part of the sales transaction. If the food or food ingredient is prepackaged with a utensil, the seller is considered to have physically delivered a utensil to the customer unless the food and utensil are prepackaged together by a food manufacturer classified under sector 311 of the North American industry classification system (NAICS);

(B) A plate, glass, cup, or bowl is necessary to receive the food or food ingredient, and the seller makes those utensils available to its customers; or

(C) (I) The seller makes utensils available to its customers, and the seller has more than seventy-five percent prepared food sales. For purposes of this subsection (2) (c) (ii) (C), a seller has more than seventy-five percent prepared food sales if the seller's gross retail sales of prepared food under (c) (i) (A), (c) (i) (C), and (c) (ii) (B) of this subsection equal more than seventy-five percent of the seller's gross retail sales of all food and food ingredients, including prepared food, soft drinks, and dietary supplements.

(II) However, even if a seller has more than seventy-five percent prepared food sales, four servings or more of food or

food ingredients packaged for sale as a single item and sold for a single price are not "sold with utensils provided by the seller" unless the seller's customary practice for the package is to physically hand or otherwise deliver a utensil to the customer as part of the sales transaction. Whenever available, the number of servings included in a package of food or food ingredients must be determined based on the manufacturer's product label. If no label is available, the seller must reasonably determine the number of servings.

(III) The seller must determine a single prepared food sales percentage annually for all the seller's establishments in the state based on the prior year of sales. The seller may elect to determine its prepared food sales percentage based either on the prior calendar year or on the prior fiscal year. A seller may not change its elected method for determining its prepared food percentage without the written consent of the department. The seller must determine its annual prepared food sales percentage as soon as possible after accounting records are available, but in no event later than ninety days after the beginning of the seller's calendar or fiscal year. A seller may make a good faith estimate of its first annual prepared food sales percentage if the seller's records for the prior year are not sufficient to allow the seller to calculate the prepared food sales percentage. The seller must adjust its good faith estimate prospectively if its relative sales of prepared foods in the first ninety days of operation materially depart from the seller's estimate.

(iii) "Prepared food" does not include the following items, if sold without eating utensils provided by the seller:

(A) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries), as provided in the "North American industry classification system—United States, 2002";

(B) Food sold in an unheated state by weight or volume as a single item; or

(C) Bakery items. The term "bakery items" includes bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, or tortillas.

(d) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain: Milk or milk products; soy, rice, or similar milk substitutes; or greater than fifty percent of vegetable or fruit juice by volume.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section applies to food and food ingredients that are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) That are provided to senior citizens, individuals with disabilities, or low-income persons by a (~~not-for-profit~~) nonprofit organization organized under chapter ~~((24.03))~~ 24.-- (the new chapter created in section 6101 of this act) or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" means a facility:

(i) That meets the definition of a qualified low-income housing project under 26 U.S.C. Sec. 42 of the federal internal revenue code, as existing on August 1, 2009;

(ii) That has been partially funded under 42 U.S.C. Sec. 1485; and

(iii) For which the lessor or operator has at any time been entitled to claim a federal income tax credit under 26 U.S.C. Sec. 42 of the federal internal revenue code.

(4) (a) Subsection (1) of this section notwithstanding, the retail sale of food and food ingredients is subject to sales tax under RCW 82.08.020 if the food and food ingredients are sold through a vending machine. Except as provided in

(b) of this subsection, the selling price of food and food ingredients sold through a vending machine for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

(b) For soft drinks, bottled water, and hot prepared food and food ingredients, other than food and food ingredients which are heated after they have been dispensed from the vending machine, the selling price is the total gross receipts of such sales divided by the sum of one plus the sales tax rate expressed as a decimal.

(c) For tax collected under this subsection (4), the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

Sec. 5250. RCW 82.12.0293 and 2017 3rd sp.s. c 28 s 102 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of food and food ingredients for human consumption. "Food and food ingredients" has the same meaning as in RCW 82.08.0293.

(2) The exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to prepared food, soft drinks, bottled water, or dietary supplements. "Prepared food," "soft drinks," "bottled water," and "dietary supplements" have the same meanings as in RCW 82.08.0293.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section applies to food and food ingredients which are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) Which are provided to senior citizens, individuals with disabilities, or low-income persons by a (~~not for profit~~) nonprofit organization organized under chapter ~~((24.03)) 24.--~~ (the new chapter created in section 6101 of this act) or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the

facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" has the same meaning as in RCW 82.08.0293.

Sec. 5251. RCW 88.46.065 and 1994 sp.s. c 9 s 853 are each amended to read as follows:

A nonprofit corporation established for the sole purpose of providing contingency plan coverage for any vessel in compliance with RCW 88.46.060 is entitled to liability protection as provided in this section. Obligations incurred by the corporation and any other liabilities or claims against the corporation may be enforced only against the assets of the corporation, and no liability for the debts or actions of the corporation exists against a director, officer, member, employee, incident commander, agent, contractor, or subcontractor of the corporation in his or her individual or representative capacity. Except as otherwise provided in this chapter, neither the directors, officers, members, employees, incident ~~((commander[s]))~~ commanders, or agents of the corporation, nor the business entities by whom they are regularly employed may be held individually responsible for discretionary decisions, errors in judgment, mistakes, or other acts, either of commission or omission, that are directly related to the operation or implementation of contingency plans, other than for acts of gross negligence or willful or wanton misconduct. The corporation may insure and defend and indemnify the directors, officers, members, employees, incident commanders, and agents to the extent permitted by chapters 23B.08 and ~~((24.03)) 24.--~~ (the new chapter created in section 6101 of this act) RCW. This section does not alter or limit the responsibility or liability of any person for the operation of a motor vehicle.

Sec. 5252. RCW 89.08.405 and 2015 c 88 s 1 are each amended to read as follows:

(1) Any county legislative authority may approve by resolution revenues to a conservation district by fixing rates and charges. The county legislative

authority may provide for this system of rates and charges as an alternative to, but not in addition to, a special assessment provided by RCW 89.08.400. In fixing rates and charges, the county legislative authority may in its discretion consider the information proposed to the county legislative authority by a conservation district consistent with this section.

(2) A conservation district, in proposing a system of rates and charges, may consider:

(a) Services furnished, to be furnished, or available to the landowner;

(b) Benefits received, to be received, or available to the property;

(c) The character and use of land;

(d) The ~~((nonprofit))~~ public benefit nonprofit corporation status, as defined in ~~((RCW 24.03.490))~~ section 1701 of this act, of the land user;

(e) The income level of persons served or provided benefits under this chapter, including senior citizens and disabled persons; or

(f) Any other matters that present a reasonable difference as a ground for distinction, including the natural resource needs within the district and the capacity of the district to provide either services or improvements, or both.

(3)(a) The system of rates and charges may include an annual per acre amount, an annual per parcel amount, or an annual per parcel amount plus an annual per acre amount. If included in the system of rates and charges, the maximum annual per acre rate or charge shall not exceed ten cents per acre. The maximum annual per parcel rate shall not exceed five dollars, except that for counties with a population of over four hundred eighty thousand persons, the maximum annual per parcel rate shall not exceed ten dollars, and for counties with a population of over one million five hundred thousand persons, the maximum annual per parcel rate shall not exceed fifteen dollars.

(b) Public land, including lands owned or held by the state, shall be subject to rates and charges to the same extent as privately owned lands. The procedures provided in chapter 79.44 RCW shall be followed if lands owned or held by the state are subject to the rates and charges of a conservation district.

(c) Forestlands used solely for the planting, growing, or harvesting of trees may be subject to rates and charges if such lands are served by the activities of the conservation district. However, if the system of rates and charges includes an annual per acre amount or an annual per parcel amount plus an annual per acre amount, the per acre rate or charge on such forestlands shall not exceed one-tenth of the weighted average per acre rate or charge on all other lands within the conservation district that are subject to rates and charges. The calculation of the weighted average per acre shall be a ratio calculated as follows: (i) The numerator shall be the total amount of money estimated to be derived from the per acre special rates and charges on the nonforestlands in the conservation district; and (ii) the denominator shall be the total number of nonforestland acres in the conservation district that are served by the activities of the conservation district and that are subject to the rates or charges of the conservation district. No more than ten thousand acres of such forestlands that is both owned by the same person or entity and is located in the same conservation district may be subject to the rates and charges that are imposed for that conservation district in any year. Per parcel charges shall not be imposed on forestland parcels. However, in lieu of a per parcel charge, a charge of up to three dollars per forestland owner may be imposed on each owner of forestlands whose forestlands are subject to a per acre rate or charge.

(4) The consideration, development, adoption, and implementation of a system of rates and charges shall follow the same public notice and hearing process and be subject to the same procedure and authority of RCW 89.08.400(2).

(5)(a) Following the adoption of a system of rates and charges, the conservation district board of supervisors shall establish by resolution a process providing for landowner appeals of the individual rates and charges as applicable to a parcel or parcels.

(b) Any appeal must be filed by the landowner with the conservation district no later than twenty-one days after the date property taxes are due. The decision of the board of supervisors regarding any appeal shall be final and conclusive.

(c) Any appeal of the decision of the board shall be to the superior court of the county in which the district is located, and served and filed within twenty-one days of the date of the board's written decision.

(6) A conservation district shall prepare a roll that implements the system of rates and charges approved by the county legislative authority. The rates and charges from the roll shall be spread by the county assessor as a separate item on the tax rolls and shall be collected and accounted for with property taxes by the county treasurer. The amount of the rates and charges shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, and collected by the treasurer in the same manner as delinquent real property taxes, and subject to the same interest and penalty as for delinquent property taxes. The county treasurer shall deduct an amount from the collected rates and charges, as established by the county legislative authority, to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the rates and charges, but not to exceed the actual costs of such work. All remaining funds collected under this section shall be transferred to the conservation district and used by the conservation district in accordance with this section.

(7) The rates and charges for a conservation district shall not be spread on the tax rolls and shall not be allocated with property tax collections in the following year if, after the system of rates and charges has been approved by the county legislative authority but before the fifteenth day of December in that year, a petition has been filed with the county legislative authority objecting to the imposition of such rates and charges, which petition has been signed by at least twenty percent of the owners of land that would be subject to the rate or charge to be imposed for a conservation district.

ARTICLE 3

REPEALER

NEW SECTION. Sec. 5301. The following acts or parts of acts are each repealed:

(1)RCW 24.03.005 (Definitions) and 2020 c 57 s 80, 2015 c 176 s 3101, 2004 c 265 s 1, 2002 c 74 s 4, 1989 c 291 s 3, 1986 c 240 s 1, 1982 c 35 s 72, & 1967 c 235 s 2;

(2)RCW 24.03.009 (Notice by electronic transmission—Consent required—When effective) and 2004 c 265 s 4;

(3)RCW 24.03.010 (Applicability) and 1971 ex.s. c 53 s 1 & 1967 c 235 s 3;

(4)RCW 24.03.015 (Purposes) and 1986 c 240 s 2, 1983 c 106 s 22, & 1967 c 235 s 4;

(5)RCW 24.03.017 (Corporation may elect to have chapter apply to it—Procedure) and 2015 c 176 s 3102, 2004 c 265 s 5, 1982 c 35 s 73, & 1971 ex.s. c 53 s 2;

(6)RCW 24.03.020 (Incorporators) and 2004 c 265 s 6, 1986 c 240 s 3, 1982 c 35 s 74, & 1967 c 235 s 5;

(7)RCW 24.03.025 (Articles of incorporation) and 1987 c 212 s 703, 1982 c 35 s 75, & 1967 c 235 s 6;

(8)RCW 24.03.027 (Filing false statements—Penalty);

(9)RCW 24.03.030 (Limitations) and 1986 c 240 s 4 & 1967 c 235 s 7;

(10)RCW 24.03.035 (General powers) and 1991 c 72 s 42, 1986 c 240 s 5, & 1967 c 235 s 8;

(11)RCW 24.03.040 (Defense of ultra vires) and 1967 c 235 s 9;

(12)RCW 24.03.043 (Indemnification of agents of any corporation authorized);

(13)RCW 24.03.045 (Corporate name) and 2015 c 176 s 3103, 2004 c 265 s 7, 1998 c 102 s 3, 1994 c 211 s 1305, 1989 c 291 s 10, 1987 c 55 s 39, 1986 c 240 s 6, 1982 c 35 s 76, & 1967 c 235 s 10;

(14)RCW 24.03.046 (Reservation of exclusive right to use a corporate name) and 2015 c 176 s 3104, 1993 c 356 s 1, & 1982 c 35 s 77;

(15)RCW 24.03.047 (Registration of corporate name) and 2015 c 176 s 3105, 1994 c 211 s 1306, 1993 c 356 s 2, 1987 c 55 s 40, 1986 c 240 s 7, & 1982 c 35 s 78;

(16)RCW 24.03.048 (Renewal of registration of corporate name) and 2015 c 176 s 3106, 1986 c 240 s 8, & 1982 c 35 s 79;

(17)RCW 24.03.050 (Registered agent) and 2015 c 176 s 3107, 2009 c 202 s 1, 2004 c 265 s 8, 1986 c 240 s 9, 1982 c 35 s 80, 1969 ex.s. c 163 s 1, & 1967 c 235 s 11;

(18)RCW 24.03.055 (Change of registered agent) and 2015 c 176 s 3108, 2004 c 265 s 9, 1993 c 356 s 3, 1986 c 240 s 10, 1982 c 35 s 81, & 1967 c 235 s 12;

(19)RCW 24.03.060 (Service of process on corporation) and 2015 c 176 s 3109, 1986 c 240 s 11, 1982 c 35 s 82, & 1967 c 235 s 13;

(20)RCW 24.03.065 (Members—Member committees) and 2004 c 98 s 1, 1986 c 240 s 12, & 1967 c 235 s 14;

(21)RCW 24.03.070 (Bylaws) and 1991 c 72 s 43, 1986 c 240 s 13, & 1967 c 235 s 15;

(22)RCW 24.03.075 (Meetings of members and committees of members) and 2004 c 98 s 2, 1986 c 240 s 14, & 1967 c 235 s 16;

(23)RCW 24.03.080 (Notice of members' meetings) and 2004 c 265 s 10, 1969 ex.s. c 115 s 1, & 1967 c 235 s 17;

(24)RCW 24.03.085 (Voting) and 2004 c 265 s 11, 1969 ex.s. c 115 s 2, & 1967 c 235 s 18;

(25)RCW 24.03.090 (Quorum) and 1967 c 235 s 19;

(26)RCW 24.03.095 (Board of directors) and 1967 c 235 s 20;

(27)RCW 24.03.100 (Number and election or appointment of directors) and 1986 c 240 s 15 & 1967 c 235 s 21;

(28)RCW 24.03.103 (Removal of directors) and 1986 c 240 s 16;

(29)RCW 24.03.1031 (Judicial removal of directors) and 1999 c 32 s 1;

(30)RCW 24.03.105 (Vacancies) and 2011 c 336 s 655, 1986 c 240 s 17, & 1967 c 235 s 22;

(31)RCW 24.03.110 (Quorum of directors) and 1986 c 240 s 18 & 1967 c 235 s 23;

(32)RCW 24.03.113 (Assent presumed—Procedures for dissent or abstention) and 2004 c 265 s 12 & 1986 c 240 s 19;

(33)RCW 24.03.115 (Committees) and 2011 c 336 s 656, 1986 c 240 s 20, & 1967 c 235 s 24;

(34)RCW 24.03.120 (Place and notice of directors' meetings) and 2004 c 265 s 13, 1986 c 240 s 21, & 1967 c 235 s 25;

(35)RCW 24.03.125 (Officers) and 1986 c 240 s 22 & 1967 c 235 s 26;

(36)RCW 24.03.127 (Duties of a director) and 1986 c 240 s 23;

(37)RCW 24.03.130 (Removal of officers) and 1967 c 235 s 27;

(38)RCW 24.03.135 (Required documents in the form of a record—Inspection—Copying) and 2004 c 265 s 14, 1986 c 240 s 24, & 1967 c 235 s 28;

(39)RCW 24.03.140 (Loans to directors and officers prohibited) and 1967 c 235 s 29;

(40)RCW 24.03.145 (Filing of articles of incorporation) and 2015 c 176 s 3110, 2002 c 74 s 7, 1982 c 35 s 83, & 1967 c 235 s 30;

(41)RCW 24.03.150 (Effect of filing the articles of incorporation) and 1986 c 240 s 25, 1982 c 35 s 84, & 1967 c 235 s 31;

(42)RCW 24.03.155 (Organization meetings) and 2004 c 265 s 15, 1986 c 240 s 26, & 1967 c 235 s 32;

(43)RCW 24.03.160 (Right to amend articles of incorporation) and 1967 c 235 s 33;

(44)RCW 24.03.165 (Procedure to amend articles of incorporation) and 2004 c 265 s 16, 1986 c 240 s 27, & 1967 c 235 s 34;

(45)RCW 24.03.170 (Articles of amendment) and 2004 c 265 s 17, 1982 c 35 s 85, & 1967 c 235 s 35;

(46)RCW 24.03.175 (Filing of articles of amendment) and 2015 c 176 s 3111, 2002 c 74 s 8, 1982 c 35 s 86, & 1967 c 235 s 36;

(47)RCW 24.03.180 (Effect of filing of articles of amendment) and 2015 c 176 s 3112, 1986 c 240 s 28, 1982 c 35 s 87, & 1967 c 235 s 37;

(48)RCW 24.03.183 (Restated articles of incorporation) and 2015 c 176 s 3113, 2004 c 265 s 18, 2002 c 74 s 9, 1986 c 240 s 29, & 1982 c 35 s 88;

(49)RCW 24.03.185 (Procedure for merger) and 1986 c 240 s 30 & 1967 c 235 s 38;

(50)RCW 24.03.190 (Procedure for consolidation) and 1986 c 240 s 31 & 1967 c 235 s 39;

(51)RCW 24.03.195 (Approval of merger or consolidation) and 2004 c 265 s 19, 1986 c 240 s 32, & 1967 c 235 s 40;

(52)RCW 24.03.200 (Articles of merger or consolidation) and 2015 c 176 s 3114,

2004 c 265 s 20, 2002 c 74 s 10, 1986 c 240 s 33, 1982 c 35 s 89, & 1967 c 235 s 41;

(53)RCW 24.03.205 (Merger or consolidation—When effective) and 2015 c 176 s 3115, 1986 c 240 s 34, 1982 c 35 s 90, & 1967 c 235 s 42;

(54)RCW 24.03.207 (Merger or consolidation of domestic and foreign corporation) and 2015 c 176 s 3116, 2004 c 265 s 21, 1986 c 240 s 35, & 1982 c 35 s 91;

(55)RCW 24.03.210 (Effect of merger or consolidation) and 1967 c 235 s 43;

(56)RCW 24.03.215 (Sale, lease, exchange, or other disposition of assets not in the ordinary course of business) and 2004 c 265 s 22, 1986 c 240 s 36, & 1967 c 235 s 44;

(57)RCW 24.03.217 (Sale, lease, exchange, or disposition of assets in course of business—Mortgage and pledge of assets) and 1986 c 240 s 37;

(58)RCW 24.03.220 (Voluntary dissolution) and 2004 c 265 s 23, 1986 c 240 s 38, 1982 c 35 s 92, & 1967 c 235 s 45;

(59)RCW 24.03.225 (Distribution of assets) and 1967 c 235 s 46;

(60)RCW 24.03.230 (Plan of distribution) and 2011 c 336 s 657, 2004 c 265 s 24, 1969 ex.s. c 115 s 3, & 1967 c 235 s 47;

(61)RCW 24.03.235 (Revocation of voluntary dissolution proceedings) and 2004 c 265 s 25 & 1967 c 235 s 48;

(62)RCW 24.03.240 (Articles of dissolution) and 2004 c 265 s 26, 1993 c 356 s 4, 1982 c 35 s 93, & 1967 c 235 s 49;

(63)RCW 24.03.245 (Filing of articles of dissolution) and 2015 c 176 s 3117, 2002 c 74 s 11, 1982 c 35 s 94, & 1967 c 235 s 50;

(64)RCW 24.03.250 (Involuntary dissolution) and 1969 ex.s. c 163 s 2 & 1967 c 235 s 51;

(65)RCW 24.03.255 (Notification to attorney general) and 1982 c 35 s 95, 1969 ex.s. c 163 s 3, & 1967 c 235 s 52;

(66)RCW 24.03.260 (Venue and process) and 1967 c 235 s 53;

(67)RCW 24.03.266 (Dissolution of a nonprofit corporation—Superior courts) and 2010 c 212 s 1;

(68)RCW 24.03.271 (Dissolution of a nonprofit corporation—Venue—Proceedings—Court's authority—Distribution of assets) and 2010 c 212 s 2;

(69)RCW 24.03.276 (Dissolution of a nonprofit corporation—Decree) and 2010 c 212 s 3;

(70)RCW 24.03.295 (Filing of decree of dissolution) and 1986 c 240 s 40 & 1967 c 235 s 60;

(71)RCW 24.03.300 (Survival of remedy after dissolution—Extension of duration of corporation) and 2015 c 176 s 3118, 1986 c 240 s 41, 1982 c 35 s 96, & 1967 c 235 s 61;

(72)RCW 24.03.302 (Administrative dissolution—Reinstatement—Survival of actions) and 2015 c 176 s 3119, 1994 c 287 s 8, 1993 c 356 s 5, 1987 c 117 s 3, 1986 c 240 s 42, 1982 c 35 s 97, 1971 ex.s. c 128 s 1, & 1969 ex.s. c 163 s 9;

(73)RCW 24.03.305 (Registration of foreign corporation—Authority to conduct affairs) and 2015 c 176 s 3120, 1993 c 181 s 12, 1986 c 240 s 43, & 1967 c 235 s 62;

(74)RCW 24.03.310 (Powers of foreign corporation—Effect of registration—Governing law) and 2015 c 176 s 3121 & 1967 c 235 s 63;

(75)RCW 24.03.315 (Corporate name of foreign corporation—Fictitious name) and 2015 c 176 s 3122, 1982 c 35 s 98, & 1967 c 235 s 64;

(76)RCW 24.03.325 (Foreign registration statement) and 2015 c 176 s 3123, 2002 c 74 s 12, 1986 c 240 s 45, & 1967 c 235 s 66;

(77)RCW 24.03.332 (Certificate of authority as insurance company—Filing of records) and 2004 c 265 s 28 & 1998 c 23 s 12;

(78)RCW 24.03.334 (Certificate of authority as insurance company—Registration or reservation of name) and 1998 c 23 s 13;

(79)RCW 24.03.335 (Effect of foreign registration statement—Right of state to terminate registration) and 2015 c 176 s 3124, 1982 c 35 s 100, & 1967 c 235 s 68;

(80)RCW 24.03.340 (Registered agent of foreign corporation) and 2015 c 176 s

3125, 2004 c 265 s 29, 1982 c 35 s 101, & 1967 c 235 s 69;

(81)RCW 24.03.345 (Change of registered agent of foreign corporation) and 2015 c 176 s 3126, 2004 c 265 s 30, 1993 c 356 s 6, 1986 c 240 s 47, 1982 c 35 s 102, & 1967 c 235 s 70;

(82)RCW 24.03.350 (Service on foreign corporation) and 2015 c 176 s 3127, 2011 c 336 s 658, 1986 c 240 s 48, 1982 c 35 s 103, & 1967 c 235 s 71;

(83)RCW 24.03.360 (Merger of foreign corporation authorized to conduct affairs in this state) and 1986 c 240 s 49 & 1967 c 235 s 73;

(84)RCW 24.03.365 (Amended foreign registration statement) and 2015 c 176 s 3128, 2004 c 265 s 31, & 1967 c 235 s 74;

(85)RCW 24.03.370 (Withdrawal of foreign corporation) and 2015 c 176 s 3129, 1993 c 356 s 7, 1982 c 35 s 104, & 1967 c 235 s 75;

(86)RCW 24.03.380 (Termination of registration) and 2015 c 176 s 3130, 2004 c 265 s 32, 1986 c 240 s 50, 1982 c 35 s 106, & 1967 c 235 s 77;

(87)RCW 24.03.390 (Conducting affairs without registering) and 2015 c 176 s 3131, 1986 c 240 s 52, & 1967 c 235 s 79;

(88)RCW 24.03.395 (Annual report of domestic and foreign corporations) and 2015 c 176 s 3132, 1993 c 356 s 10, 1989 c 291 s 2, 1987 c 117 s 4, 1986 c 240 s 53, 1982 c 35 s 108, & 1967 c 235 s 80;

(89)RCW 24.03.405 (Applicable fees, charges, and penalties) and 2015 c 176 s 3133, 2010 1st sp.s. c 29 s 3, 1993 c 269 s 5, 1991 c 223 s 1, 1987 c 117 s 5, 1986 c 240 s 55, 1982 c 35 s 110, 1981 c 230 s 5, 1969 ex.s. c 163 s 5, & 1967 c 235 s 82;

(90)RCW 24.03.417 (Fees for services by secretary of state);

(91)RCW 24.03.420 (Penalties imposed upon corporation) and 1969 ex.s. c 163 s 7 & 1967 c 235 s 85;

(92)RCW 24.03.425 (Penalties imposed upon directors and officers) and 2015 c 176 s 3134, 2004 c 265 s 34, & 1967 c 235 s 86.

(93)RCW 24.03.430 (Interrogatories by secretary of state) and 2004 c 265 s 35, 1982 c 35 s 112, & 1967 c 235 s 87;

(94)RCW 24.03.435 (Confidential nature of information disclosed by

interrogatories) and 1982 c 35 s 113 & 1967 c 235 s 88;

(95)RCW 24.03.440 (Power and authority of secretary of state) and 1982 c 35 s 114 & 1967 c 235 s 89;

(96)RCW 24.03.445 (Duty of secretary of state to file—Review of refusal to file) and 2015 c 176 s 3135, 2004 c 265 s 36, 1986 c 240 s 56, 1982 c 35 s 115, & 1967 c 235 s 90;

(97)RCW 24.03.455 (Greater voting requirements) and 1967 c 235 s 92;

(98)RCW 24.03.460 (Waiver of notice) and 2004 c 265 s 38 & 1967 c 235 s 93;

(99)RCW 24.03.465 (Action by members or directors without a meeting) and 2004 c 265 s 39 & 1967 c 235 s 94;

(100)RCW 24.03.470 (Unauthorized assumption of corporate powers) and 1967 c 235 s 95;

(101)RCW 24.03.480 (Postsecondary education loans—Interest rates) and 1989 c 166 s 1;

(102)RCW 24.03.490 (Public benefit nonprofit corporation designation established) and 1989 c 291 s 4;

(103)RCW 24.03.500 (Public benefit nonprofit corporations—Temporary designation) and 1989 c 291 s 5;

(104)RCW 24.03.510 (Public benefit nonprofit corporations—Application) and 1989 c 291 s 6;

(105)RCW 24.03.520 (Public benefit nonprofit corporations—Renewal) and 1989 c 291 s 7;

(106)RCW 24.03.530 (Public benefit nonprofit corporations—Fees) and 1989 c 291 s 8;

(107)RCW 24.03.540 (Public benefit nonprofit corporations—Removal of status) and 1989 c 291 s 9;

(108)RCW 24.03.550 (Host home programs—Registration) and 2016 c 166 s 3;

(109)RCW 24.03.900 (Short title) and 1967 c 235 s 1;

(110)RCW 24.03.905 (Savings—1967 c 235) and 1967 c 235 s 96;

(111)RCW 24.03.915 (Notice to existing corporations) and 1982 c 35 s 117, 1969 ex.s. c 163 s 8, & 1967 c 235 s 98;

(112)RCW 24.03.920 (Repealer-Exception) and 1967 c 235 s 100; and

(113)RCW 24.03.925 (Effective date-1967 c 235) and 1967 c 235 s 99.

PART VI

IMPLEMENTATION

NEW SECTION. **Sec. 6101.** CODIFICATION. Sections 1101 through 4203 of this act constitute a new chapter in Title 24 RCW.

NEW SECTION. **Sec. 6102.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 6103.** EFFECTIVE DATE. Except for section 5204 of this act, this act takes effect January 1, 2022.

NEW SECTION. **Sec. 6104.** EFFECTIVE DATE. Section 5204 of this act takes effect July 1, 2022."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Appropriations.

March 19, 2021

ESSB 5097 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Expanding coverage of the paid family and medical leave program. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

March 18, 2021

ESSB 5118 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Supporting successful reentry. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.98.010 and 2011 c 336 s 345 are each amended to read as follows:

(1) Whenever a person has entered upon a term of imprisonment in a penal (~~(or)~~), correctional, or juvenile rehabilitation institution of this state, and whenever during the continuance of the term of imprisonment there is pending in this state any untried indictment, information, or complaint against the (~~(prisoner)~~) person, he or she shall be brought to trial within (~~(one hundred twenty)~~) 120 days after he or she shall have caused to be delivered to the prosecuting attorney and the (~~(superior)~~) court (~~(of the county)~~) in which the indictment, information, or complaint is pending written notice of the place of his or her imprisonment and his or her request for a final disposition to be made of the indictment, information, or complaint (~~(+ PROVIDED, That for)~~). The following time periods shall be excluded from the 120-day calculation:

(a) Arraignment, pretrial proceedings, trial, and sentencing on an unrelated charge in a different county than the court where the charge is pending;

(b) Proceedings related to competency to stand trial on the pending charge, from the entry of an evaluation order to the entry of a court order finding the person competent to proceed; and

(c) Time during which the person is detained in a federal jail or prison and subject to conditions of release not imposed by the state of Washington.

(2) The superintendent or the superintendent's designee who provides the certificate under subsection (4) of this section shall inform any prosecuting attorney or court requesting transportation of the person to resolve an untried indictment, information, or complaint of the person's current location and availability for trial. If the person is unavailable for

transportation due to court proceedings in another county, the superintendent shall inform the prosecuting attorney or court when the person becomes available for transportation and provide a new certificate containing the information under subsection (4) of this section.

(3) For good cause shown in open court, with the ~~((prisoner))~~ person or his or her counsel ~~((shall have))~~ having the right to be present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(4) The request of the ~~((prisoner))~~ person shall be accompanied by a certificate of the superintendent or the superintendent's designee having custody of the ~~((prisoner))~~ person, stating the term of commitment under which the ~~((prisoner))~~ person is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the ~~((time of parole eligibility))~~ earned release date of the ~~((prisoner))~~ person, and any decisions of the indeterminate sentence review board relating to the ~~((prisoner))~~ person.

~~((2))~~ (5) The written notice and request for final disposition referred to in subsection (1) of this section shall be given or sent by the ~~((prisoner))~~ person to the superintendent or the superintendent's designee having custody of him or her, who shall promptly forward it together with the certificate to the appropriate prosecuting attorney and superior, district, municipal, or juvenile court by certified mail, return receipt requested.

~~((3))~~ (6) The superintendent or the superintendent's designee having custody of the ~~((prisoner))~~ person shall promptly inform him or her in writing of the source and contents of any untried indictment, information, or complaint against him or her concerning which the superintendent or the superintendent's designee has knowledge and of his or her right to make a request for final disposition thereof.

~~((4))~~ (7) Escape from custody by the ~~((prisoner))~~ person subsequent to his or her execution of the request for final disposition referred to in subsection (1) of this section shall void the request.

Sec. 2. RCW 36.70A.200 and 2020 c 128 s 1 and 2020 c 20 s 1027 are each reenacted and amended to read as follows:

(1) (a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 (6) or (15) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary

to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

NEW SECTION. Sec. 3. A new section is added to chapter 13.40 RCW to read as follows:

(1) At least 30 days before release from a residential facility, the secretary shall send written notice of the planned release to the person's health care insurance provider. The notice shall include the person's current location and contact information as well as the person's expected location and contact information upon release. The notice shall not disclose the person's

incarceration status unless their consent is given.

(2) If the person is not enrolled in a health insurance program, the secretary and the health care authority shall assist the person in obtaining coverage for which they are eligible in accordance with the time frames specified in subsection (1) of this section.

(3) The secretary may share with the health insurance provider additional health information related to the person to assist with care coordination and continuity of care consistent with RCW 70.02.230(2)(u) and other provisions of chapter 70.02 RCW."

Correct the title.

Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Goodman; Ortiz-Self and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Eslick.

Referred to Committee on Appropriations.

March 18, 2021

ESSB 5122 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning the jurisdiction of juvenile court. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the goal of the juvenile justice system should be to protect public safety, connect youth with age-appropriate services that reduce the risk of recidivism, and provide meaningful rehabilitation so all youth can have the opportunity for success in life. The legislature declares that responses to problematic behaviors of youth should be guided by evidence-based practices and that policy changes to the system should be strongly rooted in eliminating racial inequities.

The legislature recognizes that a scientific consensus has developed that demonstrates that youth continue to develop neurologically until age 26. The legislature finds that youth ages eight through 12 are less capable of making fully informed decisions and youth ages 18 and 19 are particularly susceptible to outside factors influencing their decision making.

The legislature recognizes that on January 18, 2021, the Washington state board of health released a review regarding the health impacts of raising the age of the juvenile court's jurisdiction to likely decrease the juvenile criminal legal system's involvement for some youth ages eight through 12 and to likely decrease the adult criminal legal system's involvement for some emerging adults ages 18 and 19. The board further found very strong evidence that this would decrease juvenile recidivism and improve health outcomes, access to employment opportunities, housing access, and economic stability.

The legislature intends to amend jurisdiction of juvenile court to include youth ages 13 through 19, with certain exceptions, and consider expanding juvenile court jurisdiction to include individuals over age 19. The legislature recognizes the important role that local governments play in ensuring access to justice in the juvenile court system. The legislature recognizes that amended jurisdiction in juvenile court may increase expenses for juvenile court systems despite significant offset savings in the adult system through reduced adult caseloads. The legislature intends to partner with local governments, courts, and other stakeholders to ensure successful expansion of juvenile court jurisdiction. The legislature therefore resolves to convene the raise the age juvenile justice task force to examine and plan for implementation of expanded juvenile court jurisdiction.

NEW SECTION. Sec. 2. A new section is added to chapter 43.216 RCW to read as follows:

(1) The raise the age juvenile justice task force is established, with members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint one member as follows unless specified representing the:

(i) Juvenile rehabilitation administration;

(ii) Department of corrections;

(iii) Washington association of sheriffs and police chiefs;

(iv) Office of public defense;

(v) Washington association of prosecuting attorneys;

(vi) District and municipal court judges' association;

(vii) Administrative office of the courts;

(viii) Washington state association of counties, with one member representing the Washington state association of counties generally and one member representing the Washington state association of counties having expertise in county facilities;

(ix) Association of Washington cities;

(x) Washington state council of county and city employees;

(xi) Office of the superintendent of public instruction;

(xii) Minority and justice commission;

(xiii) Superior court judges' association, one member representing western Washington and one representing eastern Washington;

(xiv) Washington association of juvenile court administrators, one member representing western Washington and one representing eastern Washington;

(xv) Washington state school directors' association, a member representing a school district that provides education services to a juvenile rehabilitation residential facility;

(xvi) Department of health;

(xvii) Statewide organization representing public defense attorneys;

(xviii) Department of children, youth, and families;

(xix) Communities who have been impacted or served by the juvenile justice system, with two members from these communities;

(xx) Medical community with expertise in adolescent brain development;

(xxi) Organizations representing the interests of incarcerated persons, with two representatives each representing different programs and serving different constituencies; and

(xxii) Organizations representing the interests of youth involved in the juvenile justice system, with three representatives from different regions of the state or representing different programs.

(2) The legislative membership shall convene the initial meeting of the task force no later than September 1, 2021. The task force shall choose its chair from among its legislative membership.

(3) Staff support for the task force must be provided by the office of juvenile justice.

(4) Taking into consideration research and case law regarding adolescent brain development, the task force shall consider and provide recommendations regarding:

(a) Implementation of juvenile jurisdiction expansion to encompass persons 18 years old and 19 years old; and

(b) Expansion of juvenile court jurisdiction to include ages above 19 years of age.

(5) On or before December 1, 2022, the task force shall report to the governor and appropriate committees of the legislature on the status and plan for the expansion, including necessary funding, essential personnel and programmatic resources, measures necessary to avoid a negative impact on the state's child protection response, and specific milestones related to operations and policy, including:

(a) A timeline for structural and systemic changes within the juvenile justice system for the juvenile rehabilitation division, the department of children, youth, and families, the department of corrections, and the juvenile court pursuant to chapter 13.04 RCW;

(b) An operations and business plan that defines benchmarks, including possible changes to resource allocations;

(c) Review of the estimated costs avoided by local and state governments with the reduction of recidivism and an analysis of cost savings reinvestment options;

(d) Anticipated county and state facility changes and modifications, including a timeline or planning needed to successfully expand juvenile court jurisdiction;

(e) Estimated new costs incurred to provide juvenile justice services to persons 18 years old and 19 years old; and

(f) A clearly defined path for geographic consistency given varying local resources, staff, physical plant limitations, training, services, and partnering needs.

(6) (a) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Except as provided in (b) of this subsection, nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(b) Nonlegislative members of the task force who demonstrate financial hardship must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as other expenses as needed for each day a nonlegislative task force member attends a task force meeting to provide consultative assistance.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The task force must hold at least one meeting a month. The task force may form work groups and may consult experts in fields that will inform and assist the work of the task force.

(9) This section expires January 1, 2023.

Sec. 3. RCW 9A.04.050 and 2011 c 336 s 347 are each amended to read as follows:

Children under the age of ~~((eight))~~ 13 years are incapable of committing crime. Children of eight ~~((and under))~~ through twelve years of age who are charged with murder in the first or second degree are presumed to be incapable of committing crime, but this presumption may be ~~((removed by proof))~~ rebutted by clear and convincing evidence that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he or she may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his or her examination by one or more physicians, whose opinion shall be competent evidence upon the question of his or her age.

Sec. 4. RCW 13.40.590 and 2002 c 237 s 10 are each amended to read as follows:

(1) The administrative office of the courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(a) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(b) Target offenders age ~~((eight))~~ 13 through ~~((seventeen))~~ 17; and

(c) Emphasize the following principles:

(i) Youth must be held accountable for their problem behavior;

(ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(iii) Youth must develop skills to resolve problems with their peers more effectively; and

(iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

(2) Youth court programs under this section may be established by private nonprofit organizations and schools, upon prior approval and under the supervision of juvenile court.

Sec. 5. RCW 13.40.600 and 2002 c 237 s 11 are each amended to read as follows:

(1) Youth courts have authority over juveniles ages ~~((eight))~~ 13 through ~~((seventeen))~~ 17 who:

(a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;

(b) Admit they have committed the offense they are referred for;

(c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and

(d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.

(2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.

(3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.

(4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.

(5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

NEW SECTION. Sec. 6. 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."

Correct the title.

Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Goodman; Ortiz-Self and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Klippert and Young.

Referred to Committee on Appropriations.

March 19, 2021

SSB 5127 Prime Sponsor, Committee on Law & Justice: Concerning courthouse facility dogs. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

March 18, 2021

E2SSB 5128 Prime Sponsor, Committee on Ways & Means: Concerning student transportation funding during a local, state, or national emergency. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the COVID-19 pandemic has significantly changed the delivery of education across the state, as school districts transition to remote learning environments to protect the health of students and staff. The legislature also recognizes that the role of transportation services has evolved alongside remote learning programs to help students equitably access the instructional program of basic education. As permitted by emergency proclamation, many school districts have adapted to remote learning by transporting meals, learning materials, and technology supports directly to students' homes or neighborhoods. Other school districts have used transportation resources to bring students to learning centers or other agencies where support services are provided.

This flexibility has allowed school districts to creatively use the resources at their disposal to equitably address the needs of students during an ongoing emergency.

With this act, the legislature intends to preserve this principle of flexibility for qualifying transportation services during a future local, state, or national emergency.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.160 RCW to read as follows:

(1) If a school or school district is providing full remote or partial remote instruction under the authority of RCW 28A.150.290 due to a local, state, or national emergency that causes a substantial disruption to full in-person instruction then, in addition to the transportation services allowed under this chapter, the district may use student transportation allocations to provide the following expanded services to students, regardless of whether those students would qualify as eligible students under RCW 28A.160.160:

(a) Delivery of educational services necessary to provide students with the opportunity to equitably access educational services during the period of remote instruction. Delivery of educational services include the transportation of materials, hardware, and other supports that assist students in accessing remote instruction, internet connectivity, or the curriculum;

(b) Delivery of meals to students;

(c) Providing for the transportation of students to and from learning centers or other public or private agencies where educational and support services are being provided to students during the period of remote instruction. "Providing for" includes the provision of payments to allow students to use public transit to access the educational and support services; and

(d) Providing for the transportation of students to and from interscholastic and extracurricular activities.

(2) Nothing in this section is intended to limit a district's ability to use transportation allocations to pay for fixed transportation costs, such as school bus maintenance and basic

administrative, regulatory, safety, or operational expenses.

(3) If a district provides expanded services under subsection (1) of this section, the district must track by a separate accounting code the expenditures incurred by the district in providing such services. This data must be included in the report required under RCW 28A.160.170(2).

Sec. 3. RCW 28A.160.160 and 2009 c 548 s 305 are each amended to read as follows:

For purposes of RCW 28A.160.150 through 28A.160.190, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW 28A.160.030 whose route stop is outside the walk area for a student's school, except if the student to be transported is disabled under RCW 28A.155.020 and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies.

(2) "Superintendent" means the superintendent of public instruction.

(3) "To and from school" means the transportation of students for the following purposes:

(a) Transportation to and from route stops and schools;

(b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.335.160;

(c) Transportation of students between schools and learning centers for instruction specifically required by statute; ~~(and)~~

(d) Transportation of students with disabilities to and from schools and agencies for special education services; and

(e) Transportation of students to and from interscholastic and extracurricular activities under section 2 of this act.

Academic extended day transportation for the instructional program of basic education under RCW 28A.150.220 shall be considered part of transportation of students "to and from school" for the purposes of this section. Transportation for field trips may not be considered part of transportation of students "to and from school" under this section.

(4) "Transportation services" for students living within the walk area includes the coordination of walk-to-school programs, the funding of crossing guards, and matching funds for local and state transportation projects intended to mitigate hazardous walking conditions. Priority for transportation services shall be given to students in grades kindergarten through five.

(5) As used in this section, "walk area" means that area around a school with an adequate roadway configuration to provide students access to school with a walking distance of less than one mile. Mileage must be measured along the shortest roadway or maintained public walkway where hazardous conditions do not exist. The hazardous conditions must be documented by a process established in rule by the superintendent of public instruction and must include roadway, environmental, and social conditions. Each elementary school shall identify walk routes within the walk area.

Sec. 4. RCW 28A.160.170 and 2009 c 548 s 306 are each amended to read as follows:

Each district shall submit three times each year to the superintendent of public instruction during October, February, and May of each year a report containing the following:

(1) (a) The number of eligible students transported to and from school as provided for in RCW 28A.160.150, along with identification of stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.160.150 the previous school year; and

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district. The superintendent shall require that districts separate the costs of operating the program for the transportation of eligible students to and from school as defined by RCW 28A.160.160(3) ~~((from))~~, non-to-and-from-school pupil

transportation costs, and costs to provide expanded services under section 2(1) of this act in the annual financial statement. The cost, quantity, and type of all fuel purchased by school districts for use in to-and-from-school transportation shall be included in the annual financial statement.

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.710 RCW to read as follows:

Section 2 of this act governs school operation and management under RCW 28A.710.040 and applies to charter schools established under this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.715 RCW to read as follows:

Section 2 of this act governs school operation and management under RCW 28A.715.020 and applies to state-tribal compact schools established under this chapter.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and McEntire.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5133 Prime Sponsor, Senator Conway: Concerning the definition of confidential employee for the purposes of state collective bargaining. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair;

Mosbrucker, Assistant Ranking Minority Member; Bronoske and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

MINORITY recommendation: Do not pass. Signed by Representative Hoff, Ranking Minority Member.

Referred to Committee on Appropriations.

March 19, 2021

SB 5146 Prime Sponsor, Senator Van De Wege: Authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Capital Budget.

March 19, 2021

SSB 5185 Prime Sponsor, Committee on Law & Justice: Concerning capacity to provide informed consent for health care decisions. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.70.065 and 2020 c 312 s 705 are each amended to read as follows:

(1) Informed consent for health care for a patient who ((is a minor or, to consent)) does not have the capacity to make a health care decision may be obtained from a person authorized to consent on behalf of such patient. For purposes of this section, a person who is of the age of consent to make a particular health care decision is presumed to have capacity, unless a health care provider reasonably determines the person lacks capacity to make the health care decision due to the person's demonstrated inability to understand and appreciate the nature and consequences of a health condition, the

proposed treatment, including the anticipated results, benefits, risks, and alternatives to the proposed treatment, including nontreatment, and reach an informed decision as a result of cognitive impairment; and the health care provider documents the basis for the determination in the medical record.

(a) Persons authorized to provide informed consent to health care on behalf of ~~((a) an adult patient who ((has been placed under a guardianship under RCW 11.130.265 a minor or,))~~ does not have the capacity to make a health care decision shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian of the patient, if any;

(ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(iii) The patient's spouse or state registered domestic partner;

(iv) Children of the patient who are at least eighteen years of age;

(v) Parents of the patient;

(vi) Adult brothers and sisters of the patient;

(vii) Adult grandchildren of the patient who are familiar with the patient;

(viii) Adult nieces and nephews of the patient who are familiar with the patient;

(ix) Adult aunts and uncles of the patient who are familiar with the patient; and

(x) (A) An adult who:

(I) Has exhibited special care and concern for the patient;

(II) Is familiar with the patient's personal values;

(III) Is reasonably available to make health care decisions;

(IV) Is not any of the following: A physician to the patient or an employee of the physician; the owner, administrator, or employee of a health care facility, nursing home, or long-term care facility where the patient resides or receives care; or a person who

receives compensation to provide care to the patient; and

(V) Provides a declaration under (a) (x) (B) of this subsection.

(B) An adult who meets the requirements of (a) (x) (A) of this subsection shall provide a declaration, which is effective for up to six months from the date of the declaration, signed and dated under penalty of perjury pursuant to chapter 5.50 RCW, that recites facts and circumstances demonstrating that he or she is familiar with the patient and that he or she:

(I) Meets the requirements of (a) (x) (A) of this subsection;

(II) Is a close friend of the patient;

(III) Is willing and able to become involved in the patient's health care;

(IV) Has maintained such regular contact with the patient as to be familiar with the patient's activities, health, personal values, and morals; and

(V) Is not aware of a person in a higher priority class willing and able to provide informed consent to health care on behalf of the patient.

(C) A health care provider may, but is not required to, rely on a declaration provided under (a) (x) (B) of this subsection. The health care provider or health care facility where services are rendered is immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration provided in compliance with (a) (x) (B) of this subsection.

(b) If the health care provider seeking informed consent for proposed health care of the patient who ~~((has been placed under a guardianship under RCW 11.130.265,))~~ does not have the capacity to make a particular health care decision, other than a person who is under the age of consent for the particular health care decision, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient who (~~has been placed under a guardianship under RCW 11.130.265,~~) does not have the capacity to make a health care decision exercises that authority, the person must first determine in good faith that that patient, if ((competent)) he or she had the capacity to make the health care decision, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests. This subsection (1)(c) does not apply to informed consent provided on behalf of a patient who has not reached the age of consent required to make a particular health care decision.

(d) No rights under Washington's death with dignity act, chapter 70.245 RCW, may be exercised through a person authorized to provide informed consent to health care on behalf of a patient who (~~is a minor or has been placed under a guardianship under RCW 11.130.265~~) does not have the capacity to make a health care decision.

(2) Informed consent for health care, including mental health care, for a patient who is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in

out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b)(i) Informed consent for health care on behalf of a patient who is under the age of majority and who is not otherwise authorized to provide informed consent may be obtained from a school nurse, school counselor, or homeless student liaison when:

(A) Consent is necessary for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The minor patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005; and

(C) The minor patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

(ii) A person authorized to consent to care under this subsection (2)(b) and the person's employing school or school district are not subject to administrative sanctions or civil damages resulting from the consent or nonconsent for care, any care, or payment for any care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care

provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2) (b) .

(iii) Upon request by a health care facility or a health care provider, a person authorized to consent to care under this subsection (2) (b) must provide to the person rendering care a declaration signed and dated under penalty of perjury pursuant to chapter 5.50 RCW stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b) (i) of this subsection. The declaration must also include written notice of the exemption from liability under (b) (ii) of this subsection.

(c) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a) (v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient, or person claiming to be authorized to consent to the health care of the minor patient.

(d) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

(e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient under (a) (v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

(4) A person who knowingly provides a false declaration under this section shall be subject to criminal penalties under chapter 9A.72 RCW.

Sec. 2. RCW 7.70.050 and 2011 c 336 s 252 are each amended to read as follows:

(1) The following shall be necessary elements of proof that injury resulted from health care in a civil negligence case or arbitration involving the issue of the alleged breach of the duty to secure an informed consent by a patient or his or her representatives against a health care provider:

(a) That the health care provider failed to inform the patient of a material fact or facts relating to the treatment;

(b) That the patient consented to the treatment without being aware of or fully informed of such material fact or facts;

(c) That a reasonably prudent patient under similar circumstances would not have consented to the treatment if informed of such material fact or facts;

(d) That the treatment in question proximately caused injury to the patient.

(2) Under the provisions of this section a fact is defined as or considered to be a material fact, if a reasonably prudent person in the position of the patient or his or her representative would attach significance to it deciding whether or not to submit to the proposed treatment.

(3) Material facts under the provisions of this section which must be established by expert testimony shall be either:

(a) The nature and character of the treatment proposed and administered;

(b) The anticipated results of the treatment proposed and administered;

(c) The recognized possible alternative forms of treatment; or

(d) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment administered and in the recognized possible alternative forms of treatment, including nontreatment.

(4) If a recognized health care emergency exists and the patient (~~(is not legally competent)~~) does not have the capacity to give an informed consent and/or a person legally authorized to consent on behalf of the patient is not readily available, his or her consent to required treatment will be implied.

Sec. 3. RCW 7.70.060 and 2012 c 101 s 1 are each amended to read as follows:

(1) If a patient (~~(while legally competent)~~) who has capacity to make health a care decision, or his or her representative if he or she ((is not competent)) does not have the capacity to make a health care decision, signs a consent form which sets forth the following, the signed consent form shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by a preponderance of the evidence:

(a) A description, in language the patient could reasonably be expected to understand, of:

(i) The nature and character of the proposed treatment;

(ii) The anticipated results of the proposed treatment;

(iii) The recognized possible alternative forms of treatment; and

(iv) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment;

(b) Or as an alternative, a statement that the patient elects not to be informed of the elements set forth in (a) of this subsection.

(2) If a patient (~~(while legally competent)~~) who has capacity to make a health care decision, or his or her representative if he or she ((is not competent)) does not have the capacity to make a health care decision, signs an acknowledgment of shared decision making as described in this section, such acknowledgment shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by clear and convincing evidence. An acknowledgment of shared decision making shall include:

(a) A statement that the patient, or his or her representative, and the health care provider have engaged in shared decision making as an alternative means of meeting the informed consent requirements set forth by laws, accreditation standards, and other mandates;

(b) A brief description of the services that the patient and provider jointly have agreed will be furnished;

(c) A brief description of the patient decision aid or aids that have been used by the patient and provider to address the needs for (i) high-quality, up-to-date information about the condition, including risk and benefits of available options and, if appropriate, a discussion of the limits of scientific knowledge about outcomes; (ii) values clarification to help patients sort out their values and preferences; and (iii) guidance or coaching in deliberation, designed to improve the patient's involvement in the decision process;

(d) A statement that the patient or his or her representative understands: The risk or seriousness of the disease or condition to be prevented or treated; the available treatment alternatives, including nontreatment; and the risks, benefits, and uncertainties of the treatment alternatives, including nontreatment; and

(e) A statement certifying that the patient or his or her representative has had the opportunity to ask the provider questions, and to have any questions answered to the patient's satisfaction, and indicating the patient's intent to receive the identified services.

(3) As used in this section, "shared decision making" means a process in which the physician or other health care practitioner discusses with the patient or his or her representative the information specified in subsection (2) of this section with the use of a patient decision aid and the patient shares with the provider such relevant personal information as might make one treatment or side effect more or less tolerable than others.

(4)(a) As used in this section, "patient decision aid" means a written, audiovisual, or online tool that provides a balanced presentation of the condition and treatment options, benefits, and harms, including, if appropriate, a discussion of the limits of scientific

knowledge about outcomes, for any medical condition or procedure, including abortion as defined in RCW 9.02.170 and:

(i) (A) That is certified by one or more national certifying organizations recognized by the medical director of the health care authority; or

(B) That has been evaluated based on the international patient decision aid standards by an organization located in the United States or Canada and has a current overall score satisfactory to the medical director of the health care authority; or

(ii) That, if a current evaluation is not available from an organization located in the United States or Canada, the medical director of the health care authority has independently assessed and certified based on the international patient decision aid standards.

(b) The health care authority may charge a fee to the certification applicant to defray the costs of the assessment and certification under this subsection.

(5) Failure to use a form or to engage in shared decision making, with or without the use of a patient decision aid, shall not be admissible as evidence of failure to obtain informed consent. There shall be no liability, civil or otherwise, resulting from a health care provider choosing either the signed consent form set forth in subsection (1)(a) of this section or the signed acknowledgment of shared decision making as set forth in subsection (2) of this section.

Sec. 4. RCW 69.50.317 and 2019 c 314 s 17 are each amended to read as follows:

(1) Any practitioner who writes the first prescription for an opioid during the course of treatment to any patient must, under professional rules, discuss the following with the patient:

(a) The risks of opioids, including risk of dependence and overdose;

(b) Pain management alternatives to opioids, including nonopioid pharmacological treatments, and nonpharmacological treatments available to the patient, at the discretion of the practitioner and based on the medical condition of the patient; and

(c) A written copy of the warning language provided by the department under RCW 43.70.765.

(2) If the patient is under eighteen years old or (~~is not competent~~) does not have the capacity to make a health care decision, the discussion required by subsection (1) of this section must include the patient's parent, guardian, or the person identified in RCW 7.70.065, unless otherwise provided by law.

(3) The practitioner shall document completion of the requirements in subsection (1) of this section in the patient's health care record.

(4) To fulfill the requirements of subsection (1) of this section, a practitioner may designate any individual who holds a credential issued by a disciplining authority under RCW 18.130.040 to conduct the discussion.

(5) Violation of this section constitutes unprofessional conduct under chapter 18.130 RCW.

(6) This section does not apply to:

(a) Opioid prescriptions issued for the treatment of pain associated with terminal cancer or other terminal diseases, or for palliative, hospice, or other end-of-life care of where the practitioner determines the health, well-being, or care of the patient would be compromised by the requirements of this section and documents such basis for the determination in the patient's health care record; or

(b) Administration of an opioid in an inpatient or outpatient treatment setting.

(7) This section does not apply to practitioners licensed under chapter 18.92 RCW.

(8) The department shall review this section by March 31, 2026, and report to the appropriate committees of the legislature on whether this section should be retained, repealed, or amended.

Sec. 5. RCW 70.02.220 and 2017 3rd sp.s. c 6 s 332 are each amended to read as follows:

(1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

(2) No person may disclose or be compelled to disclose information and records related to sexually transmitted diseases, except as authorized by this section, RCW 70.02.210, 70.02.205, or chapter 70.24 RCW. A person may disclose information related to sexually transmitted diseases about a patient without the patient's authorization, to the extent a recipient needs to know the information, if the disclosure is to:

(a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor fourteen years of age or over and otherwise ~~((competent))~~ capable of making health care decisions;

(b) The state ~~((public))~~ health officer as defined in RCW 70.24.017, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease;

(c) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to medical information regarding that person; (ii) semen, including that was provided prior to March 23, 1988, for the purpose of artificial insemination; or (iii) blood specimens;

(d) Any state or local public health officer conducting an investigation pursuant to RCW 70.24.024, so long as the record was obtained by means of court-ordered HIV testing pursuant to RCW 70.24.340 or 70.24.024;

(e) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure must: (i) Limit disclosure to those parts of the patient's record

deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services;

(f) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in RCW 70.24.022, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary;

(g) A law enforcement officer, firefighter, health care provider, health care facility staff person, department of correction's staff person, jail staff person, or other persons as defined by the board of health in rule pursuant to RCW 70.24.340~~((+4))~~, who has requested a test of a person whose bodily fluids he or she has been substantially exposed to, pursuant to RCW 70.24.340~~((+4))~~, if a state or local public health officer performs the test;

(h) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance organization, self-funded health plan, state administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection must be confidential and may not be released or available to persons who are not involved in handling or determining medical claims payment; and

(i) A department of children, youth, and families worker, a child-placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child, who is less than fourteen years of age, has a sexually transmitted disease, and is in the custody of the department of children, youth, and families or a licensed child-placing agency. This information may also be received by a person responsible for providing

residential care for such a child when the department of social and health services, the department of children, youth, and families, or a licensed child-placing agency determines that it is necessary for the provision of child care services.

(3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as authorized by that subsection.

(4) The release of sexually transmitted disease information regarding an offender or detained person, except as provided in subsection (2)(d) of this section, is governed as follows:

(a) The sexually transmitted disease status of a department of corrections offender who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available by department of corrections health care providers and local public health officers to the department of corrections health care administrator or infection control coordinator of the facility in which the offender is housed. The information made available to the health care administrator or the infection control coordinator under this subsection (4)(a) may be used only for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of corrections' jurisdiction according to the provisions of (d) and (e) of this subsection.

(b) The sexually transmitted disease status of a person detained in a jail who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the local public health officer to a jail health care administrator or infection control coordinator. The information made available to a health care administrator under this subsection (4)(b) may be used only for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. The information may be submitted to transporting officers and receiving

facilities according to the provisions of (d) and (e) of this subsection.

(c) Information regarding the sexually transmitted disease status of an offender or detained person is confidential and may be disclosed by a correctional health care administrator or infection control coordinator or local jail health care administrator or infection control coordinator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080 or any other penalties as may be prescribed by law.

(d) Notwithstanding the limitations on disclosure contained in (a), (b), and (c) of this subsection, whenever any member of a jail staff or department of corrections staff has been substantially exposed to the bodily fluids of an offender or detained person, then the results of any tests conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370, must be immediately disclosed to the staff person in accordance with the Washington Administrative Code rules governing employees' occupational exposure to blood-borne pathogens. Disclosure must be accompanied by appropriate counseling for the staff member, including information regarding follow-up testing and treatment. Disclosure must also include notice that subsequent disclosure of the information in violation of this chapter or use of the information to harass or discriminate against the offender or detainee may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080, and imposition of other penalties prescribed by law.

(e) The staff member must also be informed whether the offender or detained person had any other communicable disease, as defined in RCW 72.09.251(3), when the staff person was substantially exposed to the offender's or detainee's bodily fluids.

(f) The test results of voluntary and anonymous HIV testing or HIV-related condition, as defined in RCW 70.24.017, may not be disclosed to a staff person except as provided in this section and RCW 70.02.050(1)(d) and 70.24.340(~~(4)~~). A health care administrator or infection control coordinator may provide the staff member

with information about how to obtain the offender's or detainee's test results under this section and RCW 70.02.050(1)(d) and 70.24.340(~~(4)~~).

(5) The requirements of this section do not apply to the customary methods utilized for the exchange of medical information among health care providers in order to provide health care services to the patient, nor do they apply within health care facilities where there is a need for access to confidential medical information to fulfill professional duties.

(6) Upon request of the victim, disclosure of test results under this section to victims of sexual offenses under chapter 9A.44 RCW must be made if the result is negative or positive. The county prosecuting attorney shall notify the victim of the right to such disclosure. The disclosure must be accompanied by appropriate counseling, including information regarding follow-up testing.

(7) A person, including a health care facility or health care provider, shall disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease and information and records related to sexually transmitted diseases to federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal certification or registration rules or laws; or when needed to protect the public health. Any health care information obtained under this subsection is exempt from public inspection and copying pursuant to chapter 42.56 RCW.

NEW SECTION. **Sec. 6.** This act takes effect January 1, 2022."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

March 19, 2021

ESSB 5190 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Providing health care workers with presumptive benefits during a public health emergency. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.04.294 and 2006 c 13 s 9 are each amended to read as follows:

With respect to claims that have an effective date on or after January 4, 2004:

(1) "Misconduct" includes, but is not limited to, the following conduct by a claimant:

(a) Willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee;

(b) Deliberate violations or disregard of standards of behavior which the employer has the right to expect of an employee;

(c) Carelessness or negligence that causes or would likely cause serious bodily harm to the employer or a fellow employee; or

(d) Carelessness or negligence of such degree or recurrence to show an intentional or substantial disregard of the employer's interest.

(2) The following acts are considered misconduct because the acts signify a willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee. These acts include, but are not limited to:

(a) Insubordination showing a deliberate, willful, or purposeful refusal to follow the reasonable directions or instructions of the employer;

(b) Repeated inexcusable tardiness following warnings by the employer;

(c) Dishonesty related to employment, including but not limited to deliberate falsification of company records, theft, deliberate deception, or lying;

(d) Repeated and inexcusable absences, including absences for which the employee was able to give advance notice and failed to do so;

(e) Deliberate acts that are illegal, provoke violence or violation of laws, or violate the collective bargaining agreement. However, an employee who engages in lawful union activity may not be disqualified due to misconduct;

(f) Violation of a company rule if the rule is reasonable and if the claimant knew or should have known of the existence of the rule; or

(g) Violations of law by the claimant while acting within the scope of employment that substantially affect the claimant's job performance or that substantially harm the employer's ability to do business.

(3) "Misconduct" does not include:

(a) Inefficiency, unsatisfactory conduct, or failure to perform well as the result of inability or incapacity;

(b) Inadvertence or ordinary negligence in isolated instances; ((~~or~~))

(c) Good faith errors in judgment or discretion; or

(d) (i) A health care worker who left work for the period of quarantine consistent with the recommended guidance from the United States centers for disease control and prevention or subject to the direction of the state or local health jurisdiction because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(ii) For purposes of this subsection, "health care worker" means an individual who worked at a health care facility as defined in RCW 9A.50.010, and was directly involved in the delivery of health services.

(4) "Gross misconduct" means a criminal act in connection with an individual's work for which the individual has been convicted in a criminal court, or has admitted committing, or conduct connected with the individual's work that demonstrates a flagrant and wanton disregard of and for the rights, title, or interest of the employer or a fellow employee.

Sec. 2. RCW 50.20.010 and 2021 c 2 s 8 are each amended to read as follows:

(1) An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(a) The individual has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(b) The individual has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(c) The individual is able to work, and is available for work in any trade, occupation, profession, or business for which the individual is reasonably fitted.

(i) To be available for work, an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents. If a labor agreement or dispatch rules apply, customary trade practices must be in accordance with the applicable agreement or rules.

(ii) Until June 30, 2021, an individual under quarantine or isolation, as defined by the department of health, as directed by a public health official during the novel coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020, will meet the requirements of this subsection (1)(c) if the individual is able to perform, available to perform, and actively seeking work which can be performed while under quarantine or isolation.

(iii) For the purposes of this subsection, "customary trade practices" includes compliance with an electrical apprenticeship training program that includes a recognized referral system under apprenticeship program standards approved by the Washington state apprenticeship and training council;

(d) The individual has been unemployed for a waiting period of one week;

(e) The individual participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under RCW 50.20.011, unless the commissioner determines that:

(i) The individual has completed such services; or

(ii) There is justifiable cause for the claimant's failure to participate in such services; and

(f) As to weeks which fall within an extended benefit period as defined in RCW 50.22.010, the individual meets the terms and conditions of RCW 50.22.020 with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

(2) An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

(3) (a) For any weeks of unemployment insurance benefits when the one week waiting period is fully paid or fully reimbursed by the federal government, subsection (1)(d) of this section is waived.

(b) For any weeks of unemployment insurance benefits when the one week waiting period is partially paid or partially reimbursed by the federal government, the department may, by rule, elect to waive subsection (1)(d) of this section.

(4) During the weeks of a public health emergency, an unemployed individual may also meet the requirements of subsection (1)(c) of this section if:

(a) The unemployed individual is able to perform, available to perform, and actively seeking suitable work which can be performed for an employer from the individual's home; and

(b) The unemployed individual or another individual residing with the unemployed individual is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(i) Was in an age category that is defined as high risk for the disease that

is the subject of the public health emergency by:

(A) The federal centers for disease control and prevention;

(B) The department of health; or

(C) The equivalent agency in the state where the individual resides; or

(ii) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency by:

(A) The federal centers for disease control and prevention;

(B) The department of health; or

(C) The equivalent agency in the state where the individual resides.

(5) (a) During the weeks of a public health emergency, an unemployed health care worker may also meet the requirements of subsection (1)(c) of this section if the unemployed health care worker described in RCW 50.20.050(3) and 50.29.021(1)(c)(iii) is able to perform, available to perform, and actively seeking suitable work which will commence after quarantine or which can be performed for an employer from the individual's home.

(b) For purposes of this subsection, "health care worker" means an individual who worked at a health care facility as defined in RCW 9A.50.010, and was directly involved in the delivery of health services.

Sec. 3. RCW 50.20.050 and 2021 c 2 s 10 are each amended to read as follows:

(1) With respect to separations that occur on or after September 6, 2009, and for separations that occur before April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant obtains bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of ~~(the)~~ the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the claimant's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs; or

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant has left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant made reasonable efforts to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in

distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs;

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program; or

(xii) During a public health emergency:

(A) The claimant was unable to perform the claimant's work for the employer from the claimant's home;

(B) The claimant is able to perform, available to perform, and can actively seek suitable work which can be performed for an employer from the claimant's home; and

(C) The claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(I) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides; or

(II) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the

subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides.

(3) With respect to claims that occur on or after July 4, 2021, a claimant has good cause and is not disqualified from benefits under subsection (2)(a) of this section under the following circumstances, in addition to those listed under subsection (2)(b) of this section, if, during a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and left work for the period of quarantine consistent with the recommended guidance from the United States centers for disease control and prevention or subject to the direction of the state or local health jurisdiction because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(4) Notwithstanding subsection (1) of this section, a claimant who was simultaneously employed in full-time employment and part-time employment and is otherwise eligible for benefits from the loss of the full-time employment shall not be disqualified from benefits because the claimant:

(a) Voluntarily quit the part-time employment before the loss of the full-time employment; and

(b) Did not have prior knowledge that the claimant would be separated from full-time employment.

Sec. 4. RCW 50.29.021 and 2021 c 2 s 16 are each amended to read as follows:

(1)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio

that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050 (1)(b)(i) or (2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; ~~((e*))~~

(ii) RCW 50.20.050 (1)(b)(v) through (x) or (2)(b)(v) through (x); or

(iii) During a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and was terminated from work due to entering quarantine because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer, except as provided in subsection (4) of this section.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Benefits paid to an individual who qualifies for benefits under RCW 50.20.050 (1)(b) (iv) or (xi) ~~((or))~~, (2)(b) (iv), (xi), or (xii), or (3), as applicable, shall not be charged to the experience rating account of any contribution paying employer.

(f) Benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer. This subsection (2)(f) does not apply to the calculation of contribution rates under RCW 50.29.025 for rate year 2010 and thereafter.

(g) Upon approval of an individual's training benefits plan submitted in accordance with RCW 50.22.155(2), an individual is considered enrolled in training, and regular benefits beginning with the week of approval shall not be charged to the experience rating account of any contribution paying employer.

(h) Training benefits paid to an individual under RCW 50.22.155 shall not be charged to the experience rating account of any contribution paying employer.

(i)(i) Benefits paid during the one week waiting period when the one week waiting period is fully paid or fully reimbursed by the federal government shall not be charged to the experience rating account of any contribution paying employer.

(ii) In the event the one week waiting period is partially paid or partially reimbursed by the federal government, the

department may, by rule, elect to not charge, in full or in part, benefits paid during the one week waiting period to the experience rating account of any contribution paying employer.

(j) Benefits paid for all weeks starting with the week ending March 28, 2020, and ending with the week ending May 30, 2020, shall not be charged to the experience rating account of any contribution paying employer.

(3)(a) A contribution paying base year employer, except employers as provided in subsection (5) of this section, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster, or to the presence of any dangerous, contagious, or infectious disease that is the subject of a public health emergency at the employer's plant, building, worksite, or other facility;

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW;

(v) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who qualified for two consecutive unemployment claims where wages were attributable to at least one employer who employed the individual in both base years. Benefit charge relief ceases when the employment relationship between the

employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW;

(vi) Was hired to replace an employee who is a member of the military reserves or National Guard and was called to federal active military service by the president of the United States and is subsequently laid off when that employee is reemployed by their employer upon release from active duty within the time provided for reemployment in RCW 73.16.035;

(vii) Worked for an employer for ~~((twenty))~~ 20 weeks or less, and was laid off at the end of temporary employment when that employee temporarily replaced a permanent employee receiving family or medical leave benefits under Title 50A RCW, and the layoff is due to the return of that permanent employee. This subsection (3) (a) (vii) applies to claims with an effective date on or after January 1, 2020; or

(viii) Was discharged because the individual was unable to satisfy a job prerequisite required by law or administrative rule.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

(4) When a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports.

(5) An employer's experience rating account may not be relieved of charges for a benefit payment and an employer who reimburses the trust fund for benefit payments may not be credited for a benefit payment if a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to the claim or claims without establishing good cause for the failure and the employer or employer's agent has a pattern of such failures. The commissioner has the authority to determine whether the employer has good cause under this subsection.

(a) For the purposes of this subsection, "adequately" means providing accurate information of sufficient quantity and quality that would allow a reasonable person to determine eligibility for benefits.

(b) (i) For the purposes of this subsection, "pattern" means a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to a claim or claims without establishing good cause for the failure, if the greater of the following calculations for an employer is met:

(A) At least three times in the previous two years; or

(B) Twenty percent of the total current claims against the employer.

(ii) If an employer's agent is utilized, a pattern is established based on each individual client employer that the employer's agent represents.

NEW SECTION. Sec. 5. If any part of sections 1 through 4 of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of sections 1 through 4 of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of sections 1 through 4 of this act. Rules adopted under sections 1 through 4 of this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the

granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 6.** A new section is added to chapter 51.32 RCW to read as follows:

(1) For health care employees who are covered under this title, there exists a prima facie presumption that any infectious or contagious diseases which are the subject of a public health emergency are occupational diseases under RCW 51.08.140 during a public health emergency.

(2) The health care employee must provide verification, as required by the department by rule, to the department or the self-insurer that the employee is in quarantine or has contracted the disease after exposure to the infectious or contagious disease that is the subject of the public health emergency.

(3) This presumption of occupational disease may be rebutted by clear and convincing evidence that:

(a) The exposure to the infectious or contagious disease which is the subject of the public health emergency occurred from other employment or nonemployment activities; or

(b) The employee was working from the employee's home or other location not under the employer's control, on leave from the employee's employment, or some combination thereof, for the period of quarantine outlined for the disease immediately prior to the employee's date of disease contraction or period of incapacity resulting from exposure to the disease which is the subject of the public health emergency.

(4) (a) RCW 51.32.090(7) does not apply to an occupational disease under this section except that no worker shall receive compensation for or during the day on which the occupational disease was contracted. For the purposes of this subsection (4), the day on which the occupational disease was contracted is whichever date occurs first of the following:

(i) The date that the worker first missed work due to symptoms of the infectious or contagious disease;

(ii) The date the worker was quarantined by a medical provider or public health official; or

(iii) The date the worker received a positive test result confirming contraction of the infectious or contagious disease.

(b) If leave or similar benefits are paid to the worker as part of a federal or state program for these employees during the public health emergency, total temporary disability benefits are not payable for the same period of time covered by this federal or state program.

(5) (a) When a determination involving the presumption established under this section is appealed to the board of industrial insurance appeals and the final decision allows the claim of benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the worker or the worker's beneficiary by the opposing party. If the opposing party is a state fund employer or retrospective rating group, the costs and fees are paid by the employer or retrospective rating group.

(b) When a determination involving the presumption established in this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of appeal, including attorneys' fees and witness fees, be paid to the worker or the worker's beneficiary by the opposing party. If the opposing party is a state fund employer or retrospective rating group, the costs and fees are paid by the employer or retrospective rating group.

(c) When reasonable costs of the appeal must be paid by the department as the opposing party in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim.

(6) Costs of claims allowed under this section shall not affect the experience rating of employers insured by the state fund. When calculating assessments due to the department for which total claim costs are the basis, self-insured employers and self-insurance hospital groups formed under RCW 51.14.150 and 51.14.160 may deduct the cost of payments made under this section from the total of all claim costs reported.

(7) For purposes of this section:

(a) "Health care employee" means an employee of any health care facility or

other organization that provides emergency or medical services who has or likely has had direct contact with any person who has been exposed to or tested positive for any infectious or contagious diseases which are the subject of a public health emergency.

(b) "Health care facility" has the same meaning as in RCW 9A.50.010.

(c) "Public health emergency" means a declaration or order that covers the jurisdiction where the employee was working on the date of exposure concerning any dangerous, contagious, or infectious diseases, including a pandemic, and is issued as follows:

(i) The president of the United States has declared a national or regional emergency; or

(ii) The governor of Washington declared a state of emergency under RCW 43.06.010(12).

(8) The presumption in subsection (1) of this section takes effect on the day the national, regional, or state emergency is declared and continues until this declaration is revoked.

(9) The provisions of RCW 51.28.055 concerning time limits for filing claims for occupational disease apply to claims covered under this section.

Sec. 7. RCW 51.52.130 and 2007 c 490 s 4 are each amended to read as follows:

(1) If, on appeal to the superior or appellate court from the decision and order of the board, said decision and order is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained, a reasonable fee for the services of the worker's or beneficiary's attorney shall be fixed by the court.

(a) In fixing the fee the court shall take into consideration the fee or fees, if any, fixed by the director and the board for such attorney's services before the department and the board. If the court finds that the fee fixed by the director or by the board is inadequate for services performed before the department or board, or if the director or the board has fixed no fee for such services, then the court shall fix a fee for the attorney's services before the department, or the board, as the case may

be, in addition to the fee fixed for the services in the court.

(b) If in a worker or beneficiary appeal the decision and order of the board is reversed or modified and if the accident fund or medical aid fund is affected by the litigation, or if in an appeal by the department or employer the worker or beneficiary's right to relief is sustained, or in an appeal by a worker involving a state fund employer with twenty-five employees or less, in which the department does not appear and defend, and the board order in favor of the employer is sustained, the attorney's fee fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund of the department.

(c) In the case where the employer or other person or persons aggrieved by the decision of the board appeal and the worker or beneficiary's right to relief is sustained, the attorneys' fees fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable directly by the person or persons filing the appeal.

(d) In the case of self-insured employers, the attorney fees fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable directly by the self-insured employer.

(2) In an appeal to the superior or appellate court involving the presumption established under RCW 51.32.185, the attorney's fee and costs shall be payable as set forth under RCW 51.32.185.

(3) In an appeal to the superior or appellate court involving the presumption established under section 6 of this act, the attorneys' fees and costs shall be payable as set forth under section 6 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 51.32 RCW to read as follows:

(1) Where an appealing party, other than the department or a self-insured employer, is ordered to pay attorneys' fees and costs and that party fails, refuses, or neglects to comply with the award, which has become final and is not subject to review or appeal, the director or any person entitled to compensation

under the order may institute proceedings for injunctive or other appropriate relief for enforcement of the order. These proceedings may be instituted in the superior court for the county in which the claimant resides, or, if the claimant is not then a resident of this state, in the superior court for the county in which that party may be served with process.

(2) The court shall ensure compliance to the order by proper means, enjoining compliance upon the person obligated to comply with the compensation order. The court may issue such writs and processes as are necessary to carry out its orders.

(3) A proceeding under this section does not preclude other methods of enforcement provided for in this title.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Sells, Chair; Berry, Vice Chair; Mosbrucker, Assistant Ranking Minority Member; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representative Hoff, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Appropriations.

March 19, 2021

ESSB 5193 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning unemployment insurance systems enhancements, including creating a reserve force of unemployment claim adjudicators, effective and equitable claims processing, and transparent performance metrics. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds with roughly \$4,700,000,000 in the state unemployment insurance trust fund, Washington entered the COVID-19 pandemic

with one of the strongest and best-funded trust funds in the nation. During an unprecedented time, the state's unemployment insurance trust fund provided critical economic support to Washington workers and businesses through unemployment benefits and helped bolster the state's economy.

The legislature recognizes that the employment security department maintains a recession readiness team that prepares the agency to respond to economic changes, helping employers and employees plan for the future. Based on experience with past recessions, the employment security department's readiness team prepared contingency plans for a possible economic crisis. During the great recession, there were approximately 61,000 continued unemployment insurance claims in September 2008, rising to a high of approximately 173,000 claims in January of 2010, a period of 16 months. During the first three months of COVID-19, unemployment insurance claims were more than double those filed during the great recession, a time period that was seven times longer. From February 2020 to April 2020, unemployment insurance claims went from approximately 62,000 to approximately 447,000 claims. The sudden magnitude of claimants overwhelmed the system; contributing to Washingtonians waiting months for their earned benefits and facing deep economic insecurity.

The legislature finds that, despite conscientious economic emergency planning by the employment security department, claims processing issues are central problems encumbering the employment security department's ability to timely meet a suddenly increased demand for benefits. Immediate additional measures to facilitate rapid and equitable provision of unemployment benefits now, and enhanced preparation to do so in future economic downturns or emergencies, are critically important.

The legislature further finds that a federal retroactive funding model that looks back instead of preparing for potential economic shocks ahead was a major contributing factor to the challenges faced by all states during the COVID-19 pandemic in quickly paying benefits to unemployed workers. Our employment security department cannot quickly scale up for increased workloads and new programs if its administrative funding is based on funding that looks backward instead of forward.

Amid an unprecedented need for benefits and stresses on our unemployment insurance program, the legislature intends to create a pool of qualified unemployment insurance claim adjudicators, reduce claimants' need for assistance, assure transparency of claims processing performance measures, and make other system enhancements. Together, these systems enhancements will ensure quicker claim resolution and benefit payment; thus providing critical economic support during future unemployment crises.

NEW SECTION. **Sec. 2.** A new section is added to chapter 50.12 RCW to read as follows:

(1) The employment security department must create a training program to prepare a reserve force of skilled unemployment insurance claim adjudicators who can be available quickly when claims volume demands.

(2) The program must:

(a) Be open to both state and other public employees and private citizens;

(b) Be of sufficient quality that persons completing the training and any required continuing education would be ready to work as an unemployment insurance claim adjudicator within one week of commencing employment with the employment security department; and

(c) Provide a certification of completion to participants who complete the program.

(3) The office of financial management must collaborate with the employment security department to assist the department in identifying agencies with current state employees who meet the minimum qualifications for unemployment insurance claims' adjudicator. Employees at other agencies, who meet the minimum qualifications of the unemployment insurance claims' adjudicator classification, may, upon approval of their agency, attend required training provided by the department. In designated times of high unemployment claims, current state employees who have completed required training and who are otherwise qualified may be selected to assist the department in processing unemployment insurance claims or related activities. The office of financial management may adopt rules or issue guidance to assist in the implementation of this provision.

(4) By October 1, 2021, and each year thereafter, the employment security department must provide a report to the house of representatives committee on labor and workplace standards and the senate committee on labor, commerce, and tribal affairs, or successor committees, on the number of persons with current certifications under subsection (2)(c) of this section, the number of people employed by the department and over what period of time, and the adjudicator training and hiring costs.

NEW SECTION. **Sec. 3.** A new section is added to chapter 50.12 RCW to read as follows:

(1) The department must designate department employees to assure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and tested on claimants before they are approved for use. Criteria for approval must include comprehensibility, clarity, and readability. If the messaging of any letter, alert, or notice falls short of those criteria, manual methods of producing a comprehensible version shall be considered while the department waits for their unemployment insurance technology system to incorporate required modifications.

(2) Determinations and redeterminations must clearly convey applicable statute numbers, a brief explanation of pertinent law, outline of relevant facts, reasoning, decision, and result.

(3) The department will work with an unemployment insurance advisory committee comprised of business and worker advocates to explore:

(a) Establishing thresholds that will trigger automatic adjustments in department staffing assignments and phone agent staffing levels;

(b) Establishing a pilot to provide a caseworker approach to the claims of a group of claimants with that casework carrying over to reemployment services;

(c) Increasing language access, including by providing translation of notices sent to claimants as part of their unemployment insurance claims; and

(d) Frequency of the initial and continuing training to meet the needs of section 2 of this act.

(4) Dedicated toll-free phone lines must be established for claimants who lack computer skills or access to computers, claimants with disabilities, and claimants with limited English proficiency.

NEW SECTION. **Sec. 4.** A new section is added to chapter 50.12 RCW to read as follows:

The department must:

- (1) Maintain an online data dashboard.
- (2) Provide quarterly reports with performance metrics that include:
 - (a) Updates of unemployment rates;
 - (b) Total numbers of claims paid, amount compensated, claims denied, claims pending in adjudication, claims on which payment has been halted for review, pending appeals, appeals redetermined by the department, and appeals sent to the office of administrative hearings;
 - (c) Claims center phone statistics including call volume, hold times, abandoned calls, repeat calls, and all-circuits-busy messages for both claimants and employers;
 - (d) Ratio of staff phone agents to employers and ratio of staff phone agents to claimants;
 - (e) Number and dollar total of overpayments imposed and overpayment waiver approval rate; and
 - (f) The percentage of unemployed persons in the state receiving benefits (reciency rate).

NEW SECTION. **Sec. 5.** (1) By September 1, 2021, and at least quarterly through September 1, 2022, the employment security department must provide a report to the house of representatives committee on labor and workplace standards and the senate committee on labor, commerce, and tribal affairs, or successor committees, that includes:

- (a) The department's progress in implementing this act;
- (b) Updates on any new federal programs or funds received by the department for unemployment compensation and administration and the use of such funds;
- (c) Any software or technology issues related to claims processing, including any issues causing claim delays or inaccurate automated notifications;

(d) Updates on the department's protocols and process for protecting sensitive data; and

(e) Any other relevant unemployment issues, or information related to enhancing the unemployment insurance system, as determined by the department.

(2) This section expires December 1, 2022."

Correct the title.

Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5201

Prime Sponsor, Senator Van De Wege: Concerning department of natural resources' timber and land sales. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79.11.130 and 2003 c 381 s 4 and 2003 c 334 s 346 are each reenacted and amended to read as follows:

(1) The department shall give notice of the sale by advertisement published not fewer than two times during a four-week period prior to the time of sale in at least one newspaper of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold is situated, and by posting a copy of the notice (~~in a conspicuous place in the department's Olympia office,~~) on the department's public website and in the region headquarters administering such sale(~~and in the office of the county auditor of such county~~). The notice shall specify the place, date, and time of sale, the appraised value of the land, describe with particularity each parcel of land to be sold, and specify that the terms of sale will be available in the region headquarters and the department's (~~Olympia office~~) public website.

(2) The advertisement is for informational purposes only, and under no circumstances does the information in the notice of sale constitute a warranty that

the purchaser will receive the stated values, volumes, or acreage. All purchasers are expected to make their own measurements, evaluations, and appraisals.

(3) The department shall print a list of all public lands and the appraised value thereof, that are to be sold. This list should be ~~((published in a pamphlet form to be issued))~~ made available at least four weeks prior to the date of any sale of the lands. The list should be organized by county and by alphabetical order, and provide sale information to prospective buyers. The department shall retain for free distribution in the ~~((Olympia office and the))~~ region offices sufficient copies of the ~~((pamphlet))~~ list, to be kept in a conspicuous place, and, when requested so to do, shall mail copies of the ~~((pamphlet))~~ list as issued to any requesting applicant. The department may seek additional means of publishing the information in the ~~((pamphlet))~~ list, such as on the internet, to increase the number of prospective buyers.

~~((4) The sale of valuable materials appraised at an amount not exceeding two hundred fifty thousand dollars, as described in RCW 79.01.200 and as authorized by the board of natural resources, are exempt from the requirements of subsection (3) of this section.))~~

Sec. 2. RCW 79.15.070 and 2003 c 334 s 350 are each amended to read as follows:

It is the duty of the department to fix the date, time, and place of sale.

(1) All valuable materials shall have been appraised prior to the date fixed for sale as prescribed in RCW 79.15.060.

(2) No sale may be conducted on any day that is a legal holiday.

(3) Sales must be held between the hours of 10:00 a.m. and 4:00 p.m. If all sales cannot be offered within this time period, the sale must continue on the following day between the hours of 10:00 a.m. and 4:00 p.m.

(4) Sales must take place ~~((+~~

~~((a) At))~~ at the department's ~~((regional office))~~ region headquarters having jurisdiction over the respective sale ~~((+))~~ or

~~((b) On county property designated by the board of county commissioners or county legislative authority of the county in which the whole or majority of valuable materials are situated))~~ at an alternate location designated by the department.

Sec. 3. RCW 79.15.080 and 2006 c 42 s 2 are each amended to read as follows:

(1) Sales, other than direct sales, appraised at an amount not exceeding two hundred fifty thousand dollars, when such sales have been authorized by the board ~~((for sale))~~, shall be advertised by publishing not less than ten days prior to sale a notice of such sale in either a newspaper of general circulation ~~((located nearest to the property from which the valuable material is to be sold))~~, the department's public website, or another method deemed most practical by the department.

(2) Except as provided in RCW 79.15.050, all other proposed sales of valuable materials must be advertised through individual notice of sale and publication of a statewide list of sales.

(a) The notice of sale:

(i) Must specify the place, date, and time of sale, the appraised value thereof, and describe with particularity each parcel of land from which valuable materials are to be sold. The estimated volume will be identified and the terms of sale will be available in the region headquarters and the department's Olympia office;

(ii) May prescribe that the bid deposit required in RCW 79.15.110 be considered an opening bid;

(iii) May be advertised by newspaper or by other means of publishing the information such as on the ~~((internet))~~ department's public website; and

(iv) Must be posted in a conspicuous place in ~~((the department's Olympia office and in))~~ the region headquarters administering the sale ~~((, and in the office of the county auditor of the county where the material is located))~~.

(b) The department shall ~~((print))~~ make available a list of all valuable material on public lands that are to be sold. The list should be organized by county and by alphabetical order.

(i) The list should be ~~((published in a pamphlet form, issued))~~ made available

at least four weeks prior to the date of any sale and provide sale information to prospective buyers.

(ii) The department must retain for free distribution in ~~((the Olympia office and))~~ the region headquarters offices sufficient copies of the ~~((pamphlet))~~ list, to be kept in a conspicuous place, and ~~((, when requested to do so, must mail copies of the pamphlet as issued to any requesting applicant))~~ made available upon request.

(iii) The department may seek additional means of publishing the information in the ~~((pamphlet))~~ list, such as on the ~~((internet))~~ department's public website and other means of communication, to increase the number of prospective buyers.

(3) The department is authorized to expend any sum in additional advertising of the sales as it deems necessary.

Sec. 4. RCW 79.15.150 and 2003 c 334 s 351 are each amended to read as follows:

A sale of valuable materials that has been offered, and for which there are no bids received, ~~((shall not be reoffered until it has been readvertised as prescribed in RCW 79.11.130))~~ may be reoffered consistent with RCW 79.15.060 and 79.15.080(2)(a).

Sec. 5. RCW 79.11.340 and 2003 c 334 s 399 are each amended to read as follows:

(1) Except as provided in RCW 79.10.030(2), the department shall manage and control all lands acquired by the state by escheat, deed of sale, gift, devise, or under RCW 79.19.010 through 79.19.110, except such lands that are conveyed or devised to the state for a particular purpose.

(2) When the department determines to sell the lands, they shall initially be offered for sale either at public auction or direct sale to public agencies as provided in this chapter ~~((=~~

~~((3) If the lands are not sold at public auction,))~~ or the department may, with approval of the board, market the lands through persons licensed under chapter 18.85 RCW or through other commercially feasible means at a price not lower than the land's appraised value.

~~((4))~~ (3) Necessary marketing costs may be paid from the sale proceeds. For

the purpose of this subsection, necessary marketing costs include reasonable costs associated with advertising the property and paying commissions.

~~((5))~~ (4) Proceeds of the sale shall be deposited into the appropriate fund in the state treasury unless the grantor in any deed or the testator in case of a devise specifies that the proceeds of the sale be devoted to a particular purpose.

Sec. 6. RCW 79.11.120 and 2003 c 334 s 344 are each amended to read as follows:

When the department decides to sell any state lands, or with the consent of the board of regents of the University of Washington, or by legislative directive, decides to sell any lot, block, tract, or tracts of university lands, it is the duty of the department to fix the date, place, and time of sale.

(1) No sale may be conducted on any day that is a legal holiday.

(2) Sales must be held between the hours of 10:00 a.m. and 4:00 p.m. If all sales cannot be offered within this time period, the sale must continue on the following day between the hours of 10:00 a.m. and 4:00 p.m.

(3) Sales must take place ~~((=~~

~~((a) At))~~ at the department's ((regional office)) region headquarters administering the respective sale ~~((=~~

~~((b) On county property designated by the board of county commissioners or county legislative authority of the county in which the whole or majority of state lands are situated))~~ or at an alternate location designated by the department."

Correct the title.

Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

March 18, 2021

E2SSB 5227

Prime Sponsor, Committee on Ways & Means: Concerning diversity, equity, inclusion, and antiracism training and assessments at institutions of higher

education. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a postsecondary credential such as a degree, apprenticeship, or certificate is increasingly necessary to obtain a job that offers a good salary and advancement opportunities and that increasing the number of students in Washington who obtain such a credential is essential to the state's economic success. The legislature also recognizes that equity gaps remain among postsecondary students and that those gaps particularly impact students from historically marginalized communities.

The legislature finds that developing and maintaining a culture of belonging and support for students, faculty, and staff at institutions of higher education is essential to student success, and that faculty and staff play a key role. The legislature therefore seeks to ensure that public institutions of higher education provide faculty and staff, as well as students, with training to give them tools to address matters related to antiracism, diversity, equity, and inclusion.

The legislature further finds it necessary to regularly analyze the impact of that training on the campus community and to identify any measures needed to increase diversity, equity, and inclusion. Accordingly, the legislature intends that each public institution of higher education assess the learning, working, and living environment on campus that students, faculty, and staff experience to better understand the evolving state of diversity, equity, and inclusion.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education must:

(a) Provide professional development, either existing or new, focused on diversity, equity, inclusion, and antiracism for faculty and staff. This program must be developed in partnership with the institution's administration, faculty, staff, and student leadership

groups. Efforts must be made to ensure the program is developed and delivered by individuals with innate and acquired experience and expertise in the field of diversity, equity, and inclusion. The content framework for professional development must be posted on each institution's public website for parents and community members. The professional development must begin in the 2022-23 academic year;

(b) Create an evaluation for professional development participants. The evaluations must, at minimum, capture a participant's level of satisfaction with the professional development opportunity, the degree to which the learning objectives were achieved, and how the knowledge gained may be applied to their work;

(c) (i) Share completed evaluations of program participants annually with either the state board for community and technical colleges or an organization representing the presidents of the public four-year institutions of higher education, depending on the institution; and (ii) submit curriculum and other pertinent information regarding the program beginning July 1, 2023, and, subsequently, if there is a meaningful change or by request of the reporting entity.

(2) The purpose of each professional development program curriculum must be rooted in eliminating structural racism against all races and promoting diversity, equity, and inclusion while improving academic, social, and health and wellness outcomes for students from historically marginalized communities. Institutions of higher education may further develop a curriculum that is reflective of the needs of the campus community.

(3) (a) Beginning with the 2022-23 academic year, every new faculty and staff member at an institution of higher education must participate in the program, regardless of whether they are a full-time or part-time employee. All faculty and staff participating in the professional development program must complete an evaluation. Other faculty and staff may participate in the professional development program as needed or required by their institution. Each institution must develop a goal of at least 80 percent of their total faculty and staff completing the professional development program every two years and report on

their goal's progress in the report established in section 5 of this act. Each institution may determine how to show progress towards their goal. Part-time faculty and staff who are employed at more than one institution of higher education are only required to complete the professional development program at one institution if they provide proof of completion to their other institution of higher education employers to receive credit for participation.

(b) Beginning with the 2024-25 academic year, 35 percent of tenured faculty and 35 percent of administrators at each institution of higher education must complete the professional development program every two years, regardless of whether they are a full-time or part-time employee.

(4) The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education may conduct further analysis of the professional development programs through participant evaluation data, use of focus groups, or other methods to determine promising practices. The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education must post a list of model standards and promising practices for professional development on their public websites for parents and community members.

(5) The institutions of higher education shall adopt rules as necessary or appropriate for effecting the provisions of this section, not in conflict with this chapter, and in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

(1)(a) The institutions of higher education as defined in RCW 28B.10.016 shall each conduct a campus climate assessment to understand the current state of diversity, equity, and inclusion in the learning, working, and living environment on campus for students, faculty, and staff. The assessment shall occur, at minimum, every five years. Institutions of higher education shall use the results of the campus climate

assessment to inform the professional development, established in section 2 of this act, and program, established in section 4 of this act. Institutions may use an existing campus climate assessment to meet this requirement.

(b) The state board for community and technical colleges shall develop a model campus climate assessment for the community and technical colleges that the colleges may use or modify to meet the requirements of this section.

(2) The design of an existing or new campus climate assessment must involve, at minimum, students, college and university diversity officers, faculty, and staff. The campus climate assessment must include, at minimum, an evaluation of student and employee attitudes and awareness of campus diversity, equity, and inclusion issues. The campus climate assessment may also include questions evaluating the prevalence of discrimination, sexual assault, harassment, and retaliation on and off campus, in addition to student, faculty, and staff knowledge of campus policies and procedures addressing discrimination, sexual assault, harassment, and retaliation. College and university diversity officers and students must be consulted in the development of recommendations.

(3) Institutions of higher education must, at minimum, conduct annual listening and feedback sessions for diversity, equity, and inclusion for the entire campus community during periods between campus climate assessments. Institutions of higher education must, to the maximum extent practicable, compensate students for their participation in the annual listening and feedback sessions.

(4) Beginning July 1, 2022, the institutions of higher education shall report findings or progress in completing their campus climate assessment and, when applicable, information on their listening and feedback sessions annually to either the state board for community and technical colleges or an organization representing the presidents of the public four-year institutions of higher education. The institutions of higher education must also publish annually on the institution's public website the results of either the campus climate assessment or listening and feedback sessions.

(5) The state board for community and technical colleges may require colleges to repeat their campus climate assessment. An organization representing the presidents of the public four-year institutions of higher education may also request state universities, regional universities, and The Evergreen State College to repeat their campus climate assessment.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education must:

(a) Provide a program, either existing or new, on diversity, equity, inclusion, and antiracism to students beginning with the 2024-25 academic year. Institutions of higher education may expand the focus of its program to reflect the needs of the campus community. This program must be developed in partnership with the institution's administration, faculty, staff, and student leadership groups. Efforts should be made to ensure the program is developed and delivered by individuals with innate and acquired experience and expertise in the field of diversity, equity, and inclusion. The content framework for each program must be posted on each institution's public website for parents and community members; and

(b) Create an evaluation for program participants. The evaluation must, at minimum, capture a participant's level of satisfaction with the program and how they will apply the program to their education.

(2) The purpose of each program must be rooted in eliminating structural racism against all races and promoting diversity, equity, and inclusion while improving outcomes for students from historically marginalized communities. Institutions of higher education may further develop a curriculum that is reflective of the needs of the campus community.

(3) During the 2024-25 academic year, all degree-seeking students at institutions of higher education must participate in the program, regardless of whether they are a full-time or part-time student. Beginning with the 2025-26 academic year, the program is only required for degree-seeking students who are new or have transferred to the institution and have not yet participated

in a required diversity, equity, inclusion, and antiracism program at an institution of higher education. Students must be allowed to opt out of participation in the program if they self-attest to taking a diversity, equity, inclusion, and antiracism training at an institution of higher education within the previous five years.

(4) The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education may conduct further analysis of the programs, through participant evaluation data, use of focus groups, or other methods to determine promising practices. The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education must post a list of model standards and promising practices for programs on their public websites for parents and community members.

(5) The institutions of higher education shall adopt rules as necessary or appropriate for effecting the provisions of this section, not in conflict with this chapter, and in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act.

(6) For purposes of this section, "student" or "students" does not include nonmatriculated students.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.10 RCW to read as follows:

By December 31, 2024, and biennially thereafter, the state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education shall each submit a report to the higher education committees of the legislature in accordance with RCW 43.01.036 for their respective institutions of higher education. The reports must include the following:

(1) Information on the professional development programs implemented by each institution of higher education, including updates on progress towards meeting the goal outlined in section 1 of this act;

(2) A summary of results of the campus climate assessments and other relevant

information received by the institutions of higher education; and

(3) By December 31, 2026, and biennially thereafter, the reports must also include information on the student diversity, equity, inclusion, and antiracism programs implemented by each institution of higher education.

NEW SECTION. **Sec. 6.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representatives Hoff and Sutherland.

Referred to Committee on Appropriations.

March 19, 2021

SSB 5254 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning the use of protective devices and equipment during a public health emergency. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Appropriations.

March 19, 2021

SSB 5267 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Requiring electrical licensing for electrical work associated with flipping property. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske; Harris and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Hoff, Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 19, 2021

SSB 5271 Prime Sponsor, Committee on Law & Justice: Amending the necessary elements of proof of injury during the state of emergency declared due to the COVID-19 pandemic. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

March 19, 2021

ESSB 5275 Prime Sponsor, Committee on Housing & Local Government: Enhancing opportunity in limited areas of more intense rural development. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

March 19, 2021

ESSB 5284 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Eliminating subminimum wage certificates for persons with disabilities. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5300 Prime Sponsor, Senator Van De Wege: Prohibiting the feeding of garbage to swine. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

March 19, 2021

SSB 5384 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning volunteer firefighters. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5385 Prime Sponsor, Senator Keiser: Concerning the size of the airport a municipality must control or operate for that municipality to enact minimum labor standards for employees at the airport. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member and Harris.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 19, 2021

SSB 5403 Prime Sponsor, Committee on State Government & Elections: Concerning the interagency, multijurisdictional system improvement team. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Corry; Frame; Jacobsen; Johnson, J.; Lovick; Rule and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase, Assistant Ranking Minority Member; Kraft and Sutherland.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., March 23, 2021, the 72nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker
BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTY SECOND DAY

House Chamber, Olympia, Tuesday, March 23, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

RESOLUTION

HOUSE RESOLUTION NO. 2021-4611, by Representatives Sells, Dent, Klippert, Jacobsen, Leavitt, Lekanoff, Ybarra, Pollet, and Chambers

WHEREAS, In June of this year, James L. Gaudino will conclude twelve and one-half very successful years of service to the state as president of Central Washington University; and

WHEREAS, President Gaudino's leadership has been instrumental in overcoming some of the most challenging times of the 129-year history of CWU; and

WHEREAS, During the Great Recession President Gaudino's budget management avoided mass layoffs and actually increased financial stability of the university; and

WHEREAS, He led the modernization and digitization of 14 business processes, from procurement to human resources, reducing the time and cost of administrative processes; and

WHEREAS, His intense focus on creating a welcoming and inclusive campus climate has resulted in CWU being the most diverse public university in the state, and the only university to earn the Higher Education Excellence in Diversity award in six of the past seven years; and

WHEREAS, The overhaul of campus technology and data management systems has given CWU the ability to better inform planning and decisions; and

WHEREAS, President Gaudino has modernized budget and management processes, and shifted the planning horizon from one to six years in order to ensure sustainable and accountable university management; and

WHEREAS, His modernization of enrollment management allowed CWU to recover from Great Recession enrollment drops and become one of the fastest growing institutions in the country; and

WHEREAS, He has expanded educational opportunity by launching online degree programs and establishing instructional sites in Sammamish and at Joint Base Lewis - McChord; and

WHEREAS, President Gaudino's insistence on science-informed pandemic strategies and close partnerships with

local public health officials created a safe, low-transmission learning environment and has resulted in no serious illnesses to date from COVID-19;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives extend to Dr. James L. Gaudino their sincere thanks for his service to the people of Washington and his work to expand educational opportunity for the citizens of our state; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the House of Representatives to Dr. James L. Gaudino and the Board of Trustees of Central Washington University.

There being no objection, HOUSE RESOLUTION NO. 4611 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4612, by Representatives Eslick, Ryu, Pollet, Valdez, Thai, Taylor, Lovick, Senn, Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, 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, Young, Dolan, Shewmake, Wicks, Duerr, Sells, Leavitt, Paul, Rule, and Slatter

WHEREAS, Boys and Girls Clubs in Washington state serve more than 76,000 kids and teens annually; and

WHEREAS, The mission of Boys and Girls Clubs in Washington state is to enable all young people, especially those who need it most, to reach their full potential as productive, caring, responsible citizens; and

WHEREAS, Boys and Girls Clubs work to ensure each member reaches three priority outcomes: Succeed academically, graduation from high school ready for college, trade school, military service, or full-time employment; demonstrate good character and citizenship, engage in their communities, register to vote, and model strong character; and commit to healthy lifestyles, adopting a healthy diet, practicing healthy lifestyle choices, and making a lifelong commitment to fitness; and

WHEREAS, Boys and Girls Clubs provide leadership opportunities to over 300 student leaders annually through the Youth of the Year program, and Keystone Summit; and

WHEREAS, Boys and Girls Clubs in Washington state have mentored and supported three National Youth of the

Year winners: Dr. Tony Agtarap, Dr. Liberty Franklin, and Snohomish County Prosecuting Attorney Adam Cornell, all representing the greatness of Washington's youth on the national stage; and

WHEREAS, Boys and Girls Clubs serve an additional 50,000 youth through community outreach, including sports leagues, leadership development summits, juvenile rehabilitation engagement, STEM, and other enrichment events; and

WHEREAS, Boys and Girls Clubs in Washington led other clubs across the country in remaining open and accessible to youth and families when it was needed most during the COVID-19 pandemic; and

WHEREAS, Club organizations stepped in immediately to fill gaps for communities, including serving more than 400,000 snacks and meals in the first four months of the crisis; and

WHEREAS, When schools closed a year ago, clubs became learning centers for children overnight and staff went from planning activities to teaching algebra and the ABCs; and

WHEREAS, Boys and Girls Club staff are unsung heroes to countless families and communities across Washington state; and

WHEREAS, Boys and Girls Clubs continue to provide remote learning hubs, child care supports, academic tutoring and assistance with in-person and virtual, social-emotional learning opportunities, and important connections with caring, supportive adults; and

WHEREAS, Boys and Girls Clubs have been in Washington state for more than 80 years serving communities large and small;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Boys and Girls Clubs throughout Washington for their outstanding commitment to children, teens, and families, and commend the efforts of over 1,400 staff in more than 150 Club locations for ensuring that young people have a safe, fun, and positive place to go, especially during times of crisis.

There being no objection, HOUSE RESOLUTION NO. 4612 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4613, by Representatives Young, Thai, Stonier, Boehnke, Chase, Schmick, Jacobsen, Graham, Eslick, Sutherland, Walsh, Dent, Gregerson, Orwall, Duerr, Ryu, Chandler, Corry, McCaslin, Callan, Chambers, Dufault, Bronoske, Robertson, Shewmake, Simmons, Santos, Wicks, Leavitt, Barkis, and Mosbrucker

WHEREAS, The people of the state of Washington share a historical, technological, cultural, and economic relationship with the people of Taiwan and the more than 100,000 Taiwanese Americans from Taiwan living and

working in Washington state, and we cherish the common values of freedom and democracy; and

WHEREAS, Taiwanese immigrants and their descendants have made a profound impact by furthering the proud democratic values that have defined the United States and made our country a beacon of liberty and progress to the world; and

WHEREAS, The people of Taiwan and the people of the state of Washington have enjoyed a long and mutually beneficial commercial, cultural, and economic relationship with the prospect of further growth in trade, jobs, manufacturing, and technology; and

WHEREAS, The people of Washington state value the importance of Taiwanese companies' investment in the Pacific Northwest, including WaferTech, Eva Air, Evergreen Marine, Yang Mine Marine Transport, and Lightel Technologies, and others, that have helped to create more than 15,000 jobs in this state; and

WHEREAS, Taiwanese American frontline personnel have made profound contributions during the pandemic, and the Taiwanese people donated more than 150,000 surgical masks to the citizens of Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives acknowledge the strong and deepening relationship between the people of Taiwan and the people of Washington state, and welcome opportunities for even closer economic ties to create greater benefits for all Washingtonians.

There being no objection, HOUSE RESOLUTION NO. 4613 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4614, by Representatives Vick and Ryu

WHEREAS, The Washington State House of Representatives recognizes excellence in all fields of endeavor; and

WHEREAS, On February 21, 2020, the Camas High School Papermakers became the 2020 4A gymnastics champions; and

WHEREAS, The Camas Papermakers showed immense dedication and hard work to defend their 2018 and 2019 state championship titles; and

WHEREAS, The Camas Papermakers finished the state finals with an overall team score of 182.45; and

WHEREAS, Alyssa Shibata finished third in the All-Around category with a score of 37.675, and finished second in the Bars with a score of 9.625; and

WHEREAS, Shea McGee finished fourth in the All-Around category with a score of 37.575, first in the Beam category with a score of 9.6, second in the Individual Floor category with a score of 9.750, and third in the Individual Beam category with a score of 9.450; and

WHEREAS, Seniors Annika Affleck, Amber Harris, and Kaitlyn Blair end their time at Camas High School as state champions; and

WHEREAS, Lili Ford, Peyton Cody, Siena Brophy, Olivia Beane, Morgan MacIntyre, Ali Hubbard, and Lizzy Wing all had at least one performance that added to the team's final score; and

WHEREAS, The Camas Papermaker girls gymnastics team was coached by Carol Willson;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the Camas High School gymnastics team on their state championship, and commend fans, supportive alumni, and the entire Camas community for this remarkable accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Camas High School Papermakers gymnastics team and to Head Coach Carol Willson.

There being no objection, HOUSE RESOLUTION NO. 4614 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4615, by Representatives Ryu, Griffey, Kloba, Pollet, Walen, Duerr, Callan, Shewmake, Dufault, Taylor, Orwall, Boehnke, Ramel, Simmons, and Bronoske

WHEREAS, Long-term care facilities, such as nursing homes, have experienced a disproportionate share of deaths during the COVID-19 pandemic, with recent data for Washington state showing COVID-19 cases in long-term care facilities account for five percent of the state's total COVID-19 cases, but nearly 50 percent of all COVID-19 deaths in the state; and

WHEREAS, Overall, COVID-19 has taken a disproportionate toll on communities of color, with increased risk for infection, death, and hospitalization; and

WHEREAS, Nursing homes with relatively high shares of Black or Hispanic residents are more likely to have experienced COVID-19 deaths than nursing homes with lower shares of Black or Hispanic residents; and

WHEREAS, Fall prevention strategies and timely bone health screening, diagnosis, and treatment may help prevent fractures leading to hospitalization and nursing home stays; and

WHEREAS, Osteoporosis-related bone fractures are responsible for more hospitalizations than heart attacks, strokes, and breast cancer combined; and

WHEREAS, Each year, about 75,000 Americans move from the hospital to a nursing home following a fracture and never return "home"; and

WHEREAS, Approximately 54,000,000 Americans age 50 and over have osteoporosis or low bone mass, placing them at increased risk for fractures; and

WHEREAS, One in every two women and one in every four men over the age of 50 will break a bone due to osteoporosis in his or her lifetime; and

WHEREAS, Annual osteoporosis costs for America's health care system top \$19,000,000,000 and will double by 2050 as America's population ages; and

WHEREAS, Substantial risk of osteoporosis has been reported in persons of all ethnic backgrounds; and

WHEREAS, Osteoporosis is a preventable and treatable disease; and

WHEREAS, Building strong bones throughout childhood and adolescence can be the best defense against developing osteoporosis later in life; and

WHEREAS, Only one in three Americans receives enough calcium in his or her daily diet, a problem which is especially severe for children and adolescents in critical years of bone development; and

WHEREAS, Optimum bone health and prevention of osteoporosis can be maximized by a balanced diet rich in calcium and vitamin D, weight bearing and muscle strengthening exercise, and a healthy lifestyle with no smoking or excessive alcohol intake; and

WHEREAS, A bone mineral density test can be performed to identify osteoporosis and determine the risk for fractures and the severity of the disease; and

WHEREAS, The month of May has been designated as National Osteoporosis Month;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and appreciate the ideals, goals, and activities of National Osteoporosis Month and encourage observation of appropriate good health programs and activities with respect to preventing and controlling osteoporosis.

There being no objection, HOUSE RESOLUTION NO. 4615 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4616, by Representatives Vick and Hoff

WHEREAS, The House of Representatives recognizes excellence in every field and endeavor; and

WHEREAS, Trey Knight of Ridgefield High School set the national high school record in the hammer throw, with a toss of 261 feet and seven inches; and

WHEREAS, Trey is a four-time Class 2A state champion, holding two discus and shot put titles and in addition, holds the 2A discus state record; and

WHEREAS, Trey was named Gatorade Washington Boys Athlete in Track and Field for three consecutive years; and

WHEREAS, Trey was anticipated to win two more titles at the 2020 state championship in discus and shot put but the meet was canceled due to the COVID-19 pandemic; and

WHEREAS, The hammer throw is not sanctioned by the Washington Interscholastic Activities Association, instead Trey won the Washington State Hammer Championships in 2017, 2018, and 2019; and

WHEREAS, Trey was named All-League defensive end and helped Ridgefield Football earn their first state playoff bid since 2005; and

WHEREAS, Trey has a 3.65 grade-point average and volunteers his time at Daybreak Youth Services along with coaching youth track and field; and

WHEREAS, Trey will further his education at the University of Southern California on a full scholarship where he will specialize in the hammer throw;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate Trey Knight on setting the national high school record in the hammer throw, and commend his family, friends, and fans for this outstanding accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Trey Knight and to Coach John Gambill.

There being no objection, HOUSE RESOLUTION NO. 4616 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4617, by Representatives Leavitt, Harris-Talley, Taylor, Ryu, and Bronoske

WHEREAS, The House of Representatives recognize the life and work of Bishop Leo Charles Brown Jr., a man who dedicated his life to his faith, to the improvement of the economic and social conditions of the underrepresented and most vulnerable among us, and to the Black communities of Washington state; and

WHEREAS, Bishop Brown was born June 17, 1942, in Washington D.C. In 1961, after completing high school, Bishop Brown moved to Washington State and served as a member of the Armed Services at Fort Lewis. It was there that he found and embraced his faith. In 1965, Bishop Brown joined the ministry and began his life's calling; and

WHEREAS, Bishop Brown transformed his faith into an instrument of hope for struggling members of the community, particularly those facing incarceration. His outreach and support began in 1968 when he formed the Emmanuel Temple Prison Ministry, providing spiritual guidance to persons inside prison. This began a lifelong

commitment to helping many individuals who entered our prisons; and

WHEREAS, Bishop Brown was a co-founder of Operation Longthrust, a summer camp held at Camp Moran on Orcas Island. This summer camp program provides 100 poverty-stricken children a year with the opportunity to engage in a weeklong trip filled with learning and recreational activities; and

WHEREAS, Bishop Brown founded the Progress House Association in 1972. The Progress House serves as a work release program, providing opportunities for those exiting our prisons. Bishop Brown held fast to this calling, and successfully launched work release programs across many communities. Since its founding, the Progress House Association has expanded to open facilities in Seattle, Port Orchard, and Portland, providing more than 13,000 former inmates with work-release opportunities; and

WHEREAS, Bishop Brown founded the True Vine Community Church of God in Christ, a predominately Black Pentecostal church on August 24, 1975, in Tacoma, Washington. He spent 40 years building his congregation and expanding the church to offer services including kitchens, rest areas, and classrooms. The True Vine Community Church of God in Christ has expanded to numerous ministries and auxiliaries offering services and programs to community members of all ages. Bishop Brown mentored 22 former ministers who have gone on to start their own ministries and provide services to their own communities; and

WHEREAS, Bishop Brown has been recognized on numerous occasions for his many contributions to the betterment of Washington State communities, and for championing the pursuit of improving the opportunities for the underrepresented and vulnerable members of these communities. He is a recipient of the Key to the City of Tacoma, honoree for the Rockefeller Foundation Humanity Award, and was honored by Governor John Spellman and both houses of the Legislature who declared February 6, 1982, as "Leo Charles Brown Jr. Day"; and

WHEREAS, Above all, Leo Charles Brown Jr. was a dedicated family man. He was a father and stepfather to 14 children, as well as a grandfather and great-grandfather;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the service, life, and achievements of Bishop Leo Charles Brown Jr.

There being no objection, HOUSE RESOLUTION NO. 4617 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4619, by Representatives Chambers, Robertson, Barkis, Jacobsen, Ryu, Bronoske, and Stokesbary

WHEREAS, For 88 years the annual Daffodil Festival has been a cherished tradition for the people of Pierce County; and

WHEREAS, The Daffodil Festival has been an anticipated event that continues to bring communities together to celebrate unity within our diverse community; and

WHEREAS, Since its inception in the 1920s as a modest garden party, it has grown into the festival that we all know and love today; and

WHEREAS, There has been a parade every year, with the exception of 1943, 1944, and 1945 (due to war), and 2020 (due to the pandemic); and

WHEREAS, Each year, 23 young women pass through a rigorous selection process to represent their schools as well as Pierce County communities through ambassadorship, community service, and civic pride; and

WHEREAS, Members of the Daffodil Festival royal court serve as role models for youth around our region. Their volunteerism, civic responsibility, and willingness to be ambassadors for Pierce County serve as a light for youth to look up to; and

WHEREAS, This year's Daffodil Festival royal court includes: Angelina Mireles-Mazz, Eatonville High School; Kelsey Monaghan-Bergson, Wilson High School; Haley Isom, Rogers High School; Lucy Dysart, Graham-Kapowsin High School; Liberty Tucker, White River High School; Guadalupe Perez-Delores, Sumner High School; Kayala Purdie, Clover Park High School; Roslyn Addy, Franklin Pierce High School; Lura Shultis, Lakes High School; Joie Goninan, Stadium High School; Annabelle Pepin, Curtis High School; Ashley Anita-Barriga, Mount Tahoma High School; Szoj Stevens, Chief Leschi High School; Ava Fritz, Orting High School; Karah Ritter, Fife High School; Katie Rose Abegglen, Puyallup High School; Annie McAuliffe, Washington High School; Brynne Spicer, Bonney Lake High School; Jewlieanna Granberry, Lincoln High School; and Makesha Conzuelo, Foss High School;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the many contributions made to our state by the Daffodil Festival, its organizers, and its royal court for the past 88 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the 2021 Daffodil Festival officers and to the Daffodil Festival royalty.

There being no objection, HOUSE RESOLUTION NO. 4619 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4620, by Representatives Graham, Chambers, Jacobsen, Robertson, Dufault, Eslick, MacEwen, Abbarno, McCaslin, Mosbrucker, Klippert, Dye, Walsh, Ybarra, Fitzgibbon, Boehnke, Leavitt, Bronoske, Schmick, Barkis, Riccelli, Lovick, Sells, Corry, Orwall, Shewmake, Dent, Chandler,

Kraft, Ryu, Goehner, Walen, Klicker, Callan, Caldier, and Chase

WHEREAS, Firefighters in the State of Washington risk their lives every day to protect the lives, property, and well-being of our citizens; and

WHEREAS, There are over 8,000 men and women who serve as firefighters and over 10,000 who have served as volunteer firefighters in the State of Washington; and

WHEREAS, 16 of Washington state's firefighters, both active and retired, have died since 2019, as well as two volunteer firefighters; and

WHEREAS, Firefighters have continued fulfilling their sworn duties, despite the threat of COVID-19 in our state; and

WHEREAS, We recognize the additional risks firefighters have faced as first responders on the frontlines of the pandemic in our nation; and

WHEREAS, Last year, our state experienced some of the worst wildfires in the nation, and the Washington wildfire season saw more individual fires than any prior year, causing the air quality in our state to reach unprecedented dangerous levels; and

WHEREAS, Firefighters braved these wildfires and COVID-19 concurrently, with their hard work and sacrifice undoubtedly saving countless lives; and

WHEREAS, Washington's firefighters deserve to be honored for their unwavering dedication to ensuring the well-being of our citizens amidst the wildfires and the pandemic;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its utmost gratitude to the courageous firefighters of our state for their diligent service and perseverance in the face of wildfires and the coronavirus pandemic; and

BE IT FURTHER RESOLVED, That copies of this resolution be transferred by the Chief Clerk of the House of Representatives to the Washington State Fire Fighters' Association, the Washington State Council of Fire Fighters, the Washington State Association of Fire Chiefs, the Spokane Firefighters Union 29, the Cheney Firefighters Union 1919, the Medical Lake Volunteer Firefighters Association, the Airway Heights Volunteer Firefighters Association, and the Washington State Board for Volunteer Fire Fighters and Reserve Officers.

There being no objection, HOUSE RESOLUTION NO. 4620 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4621, by Representatives Volz, Riccelli, Orwall, Harris, Robertson, Jacobsen, Lovick, Walen, Chase, Gilday, Chambers, Pollet, Dye, Chandler, Schmick, Ormsby, Graham, MacEwen, Cody, Hoff, Orcutt, Eslick, Ryu, Boehnke, Dent, and Callan

WHEREAS, It is with fond memories and heavy hearts that members of this august body honor one of their own on this solemn occasion, former State Representative John Edward Ahern; and

WHEREAS, John dutifully and faithfully served the citizens of the 6th legislative district from 2001 to 2013; and

WHEREAS, In the conduct of his legislative service, John sponsored Washington's first Felony, Driving Under the Influence (DUI) statute receiving national recognition from the National Highway Transportation Safety Administration (NHTSA); and

WHEREAS, John's commitment and recognition to our nation's veterans made him instrumental in creating the Spokane Veterans Home, Eastern Washington's first home for veterans; and

WHEREAS, John contributed to the Spokane business community and the local economy in owning and operating JANCO Products Incorporated for nearly 40 years; and

WHEREAS, John's devotion to God, family, and country was demonstrably shown in his marriage of nearly 60 years to wife Nancy, his commitment to his local parish, and community involvement in both civic and government organizations;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives demonstrate its deep respect and appreciation in honoring the life and accomplishments of John Edward Ahern; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the faithful support and commitment of John's family in all his endeavors: Wife Nancy, sons Michael and Brian, and daughter Carolyn; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to wife Nancy Ahern, sons Michael and Brian, and daughter Carolyn.

There being no objection, HOUSE RESOLUTION NO. 4621 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2021-4622, by Representatives Robertson, Hoff, Thai, Abbarno, Barkis, Bronoske, Eslick, Ybarra, Jacobsen, Goehner, Cody, Dent, Ryu, Dufault, Chambers, Orcutt, Orwall, MacEwen, Graham, Walen, Leavitt, Schmick, Young, Boehnke, Chandler, and Ramos

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in service to this great state of Washington; and

WHEREAS, The occasion of June 8, 2021, marks 100 years of excellence in service to the great state of Washington by the Washington State Patrol and its direct predecessor, the Highway Patrol Division, of the Department of Efficiency, created on June 8, 1921; and

WHEREAS, The Washington State Patrol traces its distinguished history to the dawn of the automobile era and the commissioning of a small number of highway patrolmen on September 1, 1921, as motorcycle officers of the Highway Patrol, whose broad responsibilities included enforcement of all motor vehicle and transportation laws; and

WHEREAS, In the early part of this century, the leaders of Washington state had the insight and foresight to recognize the increasing and indispensable role that intrastate and interstate transportation would have on the economic well-being of this great state and nation; and as such, the state of Washington was the eighth state in these United States to establish and create a state patrol; and

WHEREAS, The Washington State Patrol's duties and service to the citizens of Washington state have increased dramatically since its founding to include many diverse facets of law enforcement, such as commercial vehicle enforcement, narcotics enforcement, seven crime laboratories, fire protection and training services, cybercrime investigation, homeland security, ferry vessel and terminal safety, capitol campus security, and executive protection, as well as antiterrorism coordination with all local, state, federal, and international law enforcement partners; and

WHEREAS, The Washington State Patrol has now grown to be one of the largest and most respected law enforcement agencies in the United States with over 2,200 commissioned and civilian employees, 43 canine officers, a response fleet of more than 1,600 vehicles, as well as airplanes, the country's largest unmanned aerial vehicle fleet, and a host of other specialized response units patrolling and protecting over 18,000 lane miles of Washington roadway every day; and

WHEREAS, The Washington State Patrol members, current and retired, who have come to be known as "troopers" and are easily distinguishable with their award-winning winter uniforms dating to the mid-1930's, which include a bow tie and campaign hat, are first and foremost the highest quality law enforcement officers, who by their selfless and courageous service risk their very lives so that our homes, families, and communities will be safe; and

WHEREAS, In addition to Washington's troopers, there are hundreds of technical professionals who deliver outstanding, comprehensive services in support of troopers in the field, as well as directly to citizens in their time of need; notably, the communications officers, crime scene response team members, crime laboratory personnel, vehicle mechanics, communications technicians, facility repair personnel, records custodians, deputy fire marshals, and many other professionals in their field; and

WHEREAS, In 1995, Washington State Patrol's Annette M. Sandberg made history when she was appointed the first female chief of a state police organization in the nation. Today, the Washington State Patrol is led by Chief John R. Batiste, who is the 21st chief and first Black appointee, who continues the tradition of innovation, excellence, and courageous "service with humility" to the citizens of Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the highest level of excellence in service to this great state of Washington by the troopers and employees alike, current and retired, of the Washington State Patrol; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Chief of the Washington State Patrol.

There being no objection, HOUSE RESOLUTION NO. 4622 was adopted.

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

INTRODUCTION & FIRST READING

HB 1558 by Representatives Griffey, Jacobsen, Robertson, Eslick, Abbarno, Gilday, Caldier, Corry, Barkis, Chambers, Walsh and Hoff

AN ACT Relating to promoting recovery and improving public safety by providing behavioral health system responses to individuals with substance use disorder and providing training to law enforcement personnel; adding new sections to chapter 41.05 RCW; adding a new section to chapter 43.101 RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1559 by Representatives Mosbrucker, Jacobsen, Eslick, Abbarno, Robertson, Gilday, Caldier, Corry, Barkis, Chambers, Walsh and Hoff

AN ACT Relating to providing a behavioral health response to juveniles consuming controlled substances; and amending RCW 43.185C.260.

Referred to Committee on Children, Youth & Families.

HB 1560 by Representatives Young, Dufault, Eslick, Abbarno, Robertson, Gilday, Caldier, Corry, Barkis, Jacobsen, Chambers, Walsh and Hoff

AN ACT Relating to the mens rea element of offenses related to possession of controlled substances, counterfeit substances, and legend drugs; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, and 69.41.030; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1561 by Representatives Graham, Robertson, Eslick, Abbarno, Gilday, Caldier, Corry, Barkis, Jacobsen, Chambers, Walsh and Hoff

AN ACT Relating to expanding offenses and penalties for manufacture, sale, distribution, and other conduct involving controlled substances and counterfeit substances; amending RCW 9A.42.100, 9.94A.518, 69.50.406, 69.50.4011, 69.50.410, and 69.50.4015; and prescribing penalties.

Referred to Committee on Public Safety.

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

March 22, 2021

HB 1157 Prime Sponsor, Representative Bateman: Increasing housing supply through the growth management act and housing density tax incentives for local governments. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 19, 2021

ESSB 5038 Prime Sponsor, Committee on Law & Justice: Prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007 are each reenacted and amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she

knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

For purposes of this subsection (1)(b), "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.

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall

post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility licensed or certified by the department of health for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public;

(d) That portion of an establishment classified by the state liquor and cannabis board as off-limits to persons under (~~twenty-one~~) 21 years of age; or

(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2)(a) Except as provided in (c) of this subsection, it is unlawful for any person to openly carry a firearm or other weapon at any permitted demonstration. This subsection (2)(a) applies whether the person carries the firearm or other weapon on his or her person or in a vehicle.

(b) It is unlawful for any person to openly carry a firearm or other weapon within 250 feet of a permitted demonstration after a duly authorized state or local law enforcement officer advises the person of the permitted demonstration and directs the person to leave until he or she no longer possesses or controls the firearm or other weapon. This subsection (2)(b) does not apply to any person possessing or controlling any firearm or other weapon on private property owned or leased by that person.

(c) Duly authorized federal, state, and local law enforcement officers and personnel are exempt from the provisions of this subsection (2) when carrying a

firearm or other weapon in conformance with their employing agency's policy. Members of the armed forces of the United States or the state of Washington are exempt from the provisions of this subsection (2) when carrying a firearm or other weapon in the discharge of official duty or traveling to or from official duty.

(d) For purposes of this subsection, the following definitions apply:

(i) "Permitted demonstration" means either: (A) A gathering for which a permit has been issued by a federal agency, state agency, or local government; or (B) a gathering of 15 or more people who are assembled for a single event at a public place that has been declared as permitted by the chief executive, sheriff, or chief of police of a local government in which the gathering occurs. A "gathering" means a demonstration, march, rally, vigil, sit-in, protest, picketing, or similar public assembly.

(ii) "Public place" means any site accessible to the general public for business, entertainment, or another lawful purpose. A "public place" includes, but is not limited to, the front, immediate area, or parking lot of any store, shop, restaurant, tavern, shopping center, or other place of business; any public building, its grounds, or surrounding area; or any public parking lot, street, right-of-way, sidewalk, public park, or other public grounds.

(iii) "Weapon" has the same meaning given in subsection (1)(b) of this section.

(3) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county,

or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

~~((3))~~ (4)(a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than (~~five hundred~~) 500 feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection (~~((3))~~) (4)(b) shall be grandfathered according to existing law.

~~((4))~~ (5) Violations of local ordinances adopted under subsection (~~((2))~~) (3) of this section must have the same penalty as provided for by state law.

~~((5))~~ (6) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

~~((6))~~ (7) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer

who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010; or

(c) Security personnel while engaged in official duties.

~~((7))~~ (8) Subsection (1)(a), (b), (c), and (e) of this section does not apply to correctional personnel or community corrections officers, as long as they are employed as such, who have completed government-sponsored law enforcement firearms training, except that subsection (1)(b) of this section does apply to a correctional employee or community corrections officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010.

~~((8))~~ (9) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

~~((9))~~ (10) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

~~((10))~~ (11) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

~~((11))~~ (12) Government-sponsored law enforcement firearms training must be training that correctional personnel and community corrections officers receive as part of their job requirement and reference to such training does not constitute a mandate that it be provided by the correctional facility.

~~((12))~~ (13) Any person violating subsection (1) or (2) of this section is guilty of a gross misdemeanor.

~~((13))~~ (14) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW to read as follows:

(1) Unless exempt under subsection (4) of this section, it is unlawful for any person to knowingly open carry a firearm or other weapon, as defined in RCW 9.41.300(1)(b), on the west state capitol campus grounds, in any buildings on the state capitol grounds, in any state legislative office, or at any location of a public legislative hearing or meeting during the hearing or meeting.

(2) "Buildings on the state capitol grounds" means the following buildings located on the state capitol grounds, commonly known as Legislative, Temple of Justice, John L. O'Brien, John A. Cherberg, Irving R. Newhouse, Joel M. Pritchard, Helen Sommers, Insurance, Governor's mansion, Visitor Information Center, Carlyon House, Ayer House, General Administration, 1500 Jefferson, James M. Dolliver, Old Capitol, Capitol Court, State Archives, Natural Resources, Office Building #2, Highway-License, Transportation, Employment Security, Child Care Center, Union Avenue, Washington Street, Professional Arts, State Farm, and Powerhouse buildings.

(3) "West state capitol campus grounds" means areas of the campus south of Powerhouse Rd. SW, south of Union Avenue SW as extended westward to Powerhouse Rd. SW, west of Capitol Way, north of 15th Avenue SW between Capitol Way S. and Water Street SW, west of Water Street between 15th Avenue SW and 16th Avenue SW, north of 16th Avenue SW between Water Street SW and the east banks of Capitol Lake, and east of the banks of Capitol Lake.

(4) Duly authorized federal, state, or local law enforcement officers or personnel are exempt from this section when carrying a firearm or other weapon in conformance with their employing agency's policy. Members of the armed forces of the United States or the state of Washington are exempt from this section when carrying a firearm or other

weapon in the discharge of official duty or traveling to or from official duty.

(5) A person violating this section is guilty of a gross misdemeanor.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

March 18, 2021

SSB 5066 Prime Sponsor, Committee on Law & Justice: Concerning a peace officer's duty to intervene. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 10.93 RCW to read as follows:

(1) Any identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. A peace officer shall also render aid at the earliest safe opportunity in accordance with RCW 36.28A.445, to any person injured as a result of the use of force.

(2) Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace officer, or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor or

other supervisory peace officer in accordance with the witnessing peace officer's employing agency's policies and procedures for reporting such acts committed by a peace officer.

(3) A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening in good faith or for reporting wrongdoing in good faith as required by this section.

(4) A law enforcement agency shall send notice to the criminal justice training commission of any disciplinary decision resulting from a peace officer's failure to intervene or failure to report as required by this section to determine whether the officer's conduct may be grounds for suspension or revocation of certification under RCW 43.101.105.

(5) For purposes of this section:

(a) "Excessive force" means force that exceeds the force permitted by law or policy of the witnessing officer's agency.

(b) "Peace officer" refers to any general authority Washington peace officer.

(c) "Wrongdoing" means conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature.

NEW SECTION. Sec. 2. A new section is added to chapter 43.101 RCW to read as follows:

(1) By December 1, 2021, the Washington state criminal justice training commission, in consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs, and organizations representing state and local law enforcement officers, shall develop a written model policy on the duty to intervene, consistent with the provisions of section 1 of this act.

(2) By June 1, 2022, every state, county, and municipal law enforcement agency shall adopt and implement a written duty to intervene policy. The policy adopted may be the model policy developed under subsection (1) of this section. However, any policy adopted must, at a minimum, be consistent with the provisions of section 1 of this act.

(3) By January 31, 2022, the commission shall incorporate training on the duty to intervene in the basic law enforcement training curriculum. Peace officers who completed basic law enforcement training prior to January 31, 2022, must receive training on the duty to intervene by December 31, 2023."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Lovick; Orwall; Ramos and Simmons.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham and Young.

Referred to Committee on Appropriations.

March 18, 2021

ESSB 5119 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning individuals in custody. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Davis; Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Klippert, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 19, 2021

ESSB 5235 Prime Sponsor, Committee on Housing & Local Government: Increasing housing unit inventory by removing arbitrary limits on housing options. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that local zoning laws can contribute to limiting the housing available for Washingtonians. The legislature finds that reducing these barriers can increase affordable housing

options. The legislature finds that accessory dwelling units can be one way to add affordable long-term housing and to provide a needed increase in housing density. The legislature finds that owner-occupancy requirements may provide an appropriate means for local governments to ensure community impacts of accessory dwelling units are mitigated, allow for relaxation of other requirements, and may provide an appropriate mechanism to reduce short-term rental of accessory dwelling units, which has been shown to increase displacement and decrease affordability. Some accessory dwelling units, however, are removed from the market due to owner-occupancy requirements when an owner, due to a hardship, is forced to move from the primary residence. In these circumstances, these requirements may then remove a rental property from the housing stock and impose an undue hardship on an owner that wishes to retain the primary residence but who may no longer be able to comfortably and safely reside there. It is the intent of the legislature with this act to provide an exemption for owners suffering from such hardship. The legislature also intends to remove barriers and limitations on the number of unrelated occupants living together, which will provide additional affordable housing options.

Sec. 2. RCW 36.70A.696 and 2020 c 217 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 36.70A.697 and 36.70A.698 unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "County" means any county planning under RCW 36.70A.040.

(5) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a

single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

~~((5))~~ (6) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

~~((6))~~ (7) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

(8) "Nonprofit entity" means any entity that is exempt from income tax under section 501(c) of the federal internal revenue code.

(9) "Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.

(10) "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

Sec. 3. RCW 36.70A.697 and 2020 c 217 s 3 are each amended to read as follows:

(1) ~~(a)~~ Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698(1) to take effect by July 1, 2021.

~~((2))~~ (b) Beginning July 1, 2021, the requirements of RCW 36.70A.698(1):

~~((a))~~ (i) Apply and take effect in any city that has not adopted or amended ordinances, regulations, or other

official controls as required under this section; and

~~((b))~~ (ii) Supersede, preempt, and invalidate any local development regulations that conflict with RCW 36.70A.698(1).

(2) (a) Cities and counties must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698(2) (a) to take effect within two years of the next applicable deadline for its comprehensive plan to be reviewed under RCW 36.70A.130 after July 1, 2021.

(b) Beginning two years after the next applicable deadline for the review of a county's or city's comprehensive plan under RCW 36.70A.130 after July 1, 2021, and until such time as a city or county has complied with the requirements of RCW 36.70A.698(2) (a), the requirements of RCW 36.70A.698(2) (b) :

(i) Apply and take effect in any city or county that has not adopted or amended ordinances, regulations, or other official controls as required in RCW 36.70A.698(2) (a); and

(ii) Supersede, preempt, and invalidate any local development regulations that conflict with RCW 36.70A.698(2) (b) .

Sec. 4. RCW 36.70A.698 and 2020 c 217 s 4 are each amended to read as follows:

(1) ~~(a)~~ Except as provided in ~~((subsection[s] (2) and (3) of this section))~~ (b) and (c) of this subsection, through ordinances, development regulations, zoning regulations, and other official controls as required under RCW 36.70A.697 (1) (a), cities may not require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop.

~~((2))~~ (b) A city may require the provision of off-street parking for an accessory dwelling unit located within one-quarter mile of a major transit stop if the city has determined that the accessory dwelling unit is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the accessory dwelling unit.

~~((3))~~ (c) A city that has adopted or substantively amended accessory dwelling

unit regulations within the four years previous to June 11, 2020, is not subject to the requirements of this ~~(section)~~ subsection (1).

(2) (a) Through ordinances, development regulations, and other official controls adopted or amended as required under RCW 36.70A.697(2)(a), cities and counties that impose owner-occupancy requirements on lots containing accessory dwelling units must provide for a hardship exemption from any owner-occupancy requirements applicable to a housing or dwelling unit on the same lot as an accessory dwelling unit. Such an exemption must allow an owner to offer for rental for periods of 30-days or longer a dwelling unit or housing unit as if a dwelling or housing unit on the property was owner occupied, when the owner no longer occupies the primary residence due to age, illness, financial hardship due to the death of a spouse, domestic partner, or co-owner of the property, disability status, the deployment, activation, mobilization, or temporary duty, as those terms are defined in RCW 26.09.004, of a service member of the armed forces, or other such reason that would make the owner-occupancy requirement an undue hardship on the owner. A city or county shall develop and implement a process for the review of hardship applications.

(b) Any city or county that imposes an owner-occupancy requirement on lots containing accessory dwelling units and has not provided a hardship exemption from the requirement through ordinances, development regulations, or other official controls as required by (a) of this subsection within two years of the next applicable deadline for its comprehensive plan to be reviewed under RCW 36.70A.130 after July 1, 2021, may not impose or enforce an owner-occupancy requirement on any lot containing an accessory dwelling unit until such time as the city or county has adopted the required hardship exemption, except that an owner-occupancy requirement may be imposed and enforced if the owner of the lot offers an accessory dwelling unit for short-term rental within the state or if the owner of the lot owns more than three accessory dwelling units within the county.

NEW SECTION. Sec. 5. A new section is added to chapter 35.21 RCW to read as follows:

Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a city or town may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.

NEW SECTION. Sec. 6. A new section is added to chapter 35A.21 RCW to read as follows:

Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a code city may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.

NEW SECTION. Sec. 7. A new section is added to chapter 36.01 RCW to read as follows:

Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or county ordinance, a county may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit."

Correct the title.

Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

March 18, 2021

ESSB 5245 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning the safety of crime victims. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis;

Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

Referred to Committee on Rules for second reading.

March 19, 2021

SB 5312 Prime Sponsor, Senator Mullet:
Facilitating transit-oriented development
and increasing housing inventory.
Reported by Committee on Environment &
Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.500 and 2012 1st sp.s. c 1 s 310 are each amended to read as follows:

(1) The department of commerce shall provide management services for the growth management planning and environmental review fund created by RCW 36.70A.490. The department shall establish procedures for fund management. The department shall encourage participation in the grant or loan program by other public agencies. The department shall develop the grant or loan criteria, monitor the grant or loan program, and select grant or loan recipients in consultation with state agencies participating in the grant or loan program through the provision of grant or loan funds or technical assistance.

(2) A grant or loan may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant or loan shall be provided to assist a county or city in paying for the cost of preparing an environmental analysis under chapter 43.21C RCW, that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulation, monitoring program, or other planning activity adopted under or implementing this chapter that:

(a) Improves the process for project permit review while maintaining environmental quality; or

(b) Encourages use of plans and information developed for purposes of complying with this chapter to satisfy requirements of other state programs.

(3) In order to qualify for a grant or loan, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW and subsection (2) of this section that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulations, monitoring program, or other planning activity adopted under or implementing this chapter;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan;

(c) Demonstrate that procedures for review of development permit applications will be based on the integrated plans and environmental analysis;

(d) Include mechanisms to monitor the consequences of growth as it occurs in the plan area and to use the resulting data to update the plan, policy, or implementing mechanisms and associated environmental analysis;

(e) Demonstrate substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(f) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants or loans, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Identification and monitoring of system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Coordination with state, federal, and tribal governments in project review;

(d) Furtherance of important state objectives related to economic development, protection of areas of

statewide significance, and siting of essential public facilities;

(e) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans and prospective environmental analysis;

(f) Programs for effective citizen and neighborhood involvement that contribute to greater likelihood that planning decisions can be implemented with community support;

(g) Programs to identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans; or

(h) Environmental review that addresses the impacts of increased density or intensity of comprehensive plans, subarea plans, or receiving areas designated by a city or town under the regional transfer of development rights program in chapter 43.362 RCW.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

(6) State agencies shall work with grant or loan recipients to facilitate state and local project review processes that will implement the projects receiving grants or loans under this section.

(7) (a) Appropriations to the growth management planning and environmental review fund established in RCW 36.70A.490 for the purpose of grants to cities to facilitate transit-oriented development may be used to pay for the costs associated with the preparation of state environmental policy act environmental impact statements, planned action ordinances, subarea plans, costs associated with the utilization of other tools under the state environmental policy act, and the costs of local code adoption and implementation of such efforts.

(b) Grant awards may only fund efforts that address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in

whole or in part by applicants for development permits within the geographic area analyzed in the plan.

(8) The department shall prioritize applications for grants to facilitate transit-oriented development that maximize the following policy objectives in the area covered by a proposal:

(a) The total number of housing units authorized for new development;

(b) The proximity and quality of transit access in the area;

(c) Plans that authorize up to six stories of building height;

(d) Plans that authorize ground floor retail with housing above;

(e) Plans in areas that minimize or eliminate on-site parking requirements;

(f) Existence or establishment of incentive zoning, mandatory affordability, or other tools to promote low-income housing in the area;

(g) Plans that include dedicated policies to support public or nonprofit funded low-income or workforce housing; and

(h) Plans designed to maximize and increase the variety of allowable housing types and expected sale or rental rates.

(9) For purposes of this section, "transit access" includes walkable access to:

(a) Light rail and other fixed guideway rail systems;

(b) Bus rapid transit;

(c) High frequency bus service; or

(d) Park and ride lots.

Sec. 2. RCW 36.70A.600 and 2020 c 173 s 1 are each amended to read as follows:

(1) A city planning pursuant to RCW 36.70A.040 is encouraged to take the following actions in order to increase its residential building capacity:

(a) Authorize development in one or more areas of not fewer than five hundred acres that include at least one train station served by commuter rail or light rail with an average of at least fifty residential units per acre that require no more than an average of one on-site parking space per two bedrooms in the portions of multifamily zones that are located within the areas;

(b) Authorize development in one or more areas of not fewer than two hundred acres in cities with a population greater than forty thousand or not fewer than one hundred acres in cities with a population less than forty thousand that include at least one bus stop served by scheduled bus service of at least four times per hour for twelve or more hours per day with an average of at least twenty-five residential units per acre that require no more than an average of one on-site parking space per two bedrooms in portions of the multifamily zones that are located within the areas;

(c) Authorize at least one duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences unless a city documents a specific infrastructure of physical constraint that would make this requirement unfeasible for a particular parcel;

(d) Authorize a duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on one or more parcels for which they are not currently authorized;

(e) Authorize cluster zoning or lot size averaging in all zoning districts that permit single-family residences;

(f) Adopt a subarea plan pursuant to RCW 43.21C.420;

(g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii), except that an environmental impact statement pursuant to RCW 43.21C.030 is not required for such an action;

(h) Adopt increases in categorical exemptions pursuant to RCW 43.21C.229 for residential or mixed-use development;

(i) Adopt a form-based code in one or more zoning districts that permit residential uses. "Form-based code" means a land development regulation that uses physical form, rather than separation of use, as the organizing principle for the code;

(j) Authorize a duplex on each corner lot within all zoning districts that permit single-family residences;

(k) Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW;

(l) Authorize a minimum net density of six dwelling units per acre in all residential zones, where the residential development capacity will increase within the city. For purposes of this subsection, the calculation of net density does not include the square footage of areas that are otherwise prohibited from development, such as critical areas, the area of buffers around critical areas, and the area of roads and similar features;

(m) Create one or more zoning districts of medium density in which individual lots may be no larger than three thousand five hundred square feet and single-family residences may be no larger than one thousand two hundred square feet;

(n) Authorize accessory dwelling units in one or more zoning districts in which they are currently prohibited;

(o) Remove minimum residential parking requirements related to accessory dwelling units;

(p) Remove owner occupancy requirements related to accessory dwelling units;

(q) Adopt new square footage requirements related to accessory dwelling units that are less restrictive than existing square footage requirements related to accessory dwelling units;

(r) Adopt maximum allowable exemption levels in WAC 197-11-800(1) as it existed on June 11, 2020, or such subsequent date as may be provided by the department of ecology by rule, consistent with the purposes of this section;

(s) Adopt standards for administrative approval of final plats pursuant to RCW 58.17.100;

(t) Adopt ordinances authorizing administrative review of preliminary plats pursuant to RCW 58.17.095;

(u) Adopt other permit process improvements where it is demonstrated that the code, development regulation, or ordinance changes will result in a more efficient permit process for customers;

(v) Update use matrices and allowable use tables that eliminate conditional use permits and administrative conditional use permits for all housing types, including single-family homes, townhomes, multifamily housing, low-

income housing, and senior housing, but excluding essential public facilities;

(w) Allow off-street parking to compensate for lack of on-street parking when private roads are utilized or a parking demand study shows that less parking is required for the project;

(x) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to build accessory dwelling units. A city may condition this program on a requirement to provide the unit for affordable home ownership or rent the accessory dwelling unit for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement under the program, it must provide additional incentives, such as:

- (i) Density bonuses;
- (ii) Height and bulk bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions; or
- (v) Expedited permitting; and

(y) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to convert a single-family home into a duplex, triplex, or quadplex where those housing types are authorized. A local government may condition this program on a requirement to provide a certain number of units for affordable home ownership or to rent a certain number of the newly created units for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement, it must provide additional incentives, such as:

- (i) Density bonuses;
- (ii) Height and bulk bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions; or
- (v) Expedited permitting.

(2) A city planning pursuant to RCW 36.70A.040 may adopt a housing action plan as described in this subsection. The

goal of any such housing plan must be to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market. A housing action plan may utilize data compiled pursuant to RCW 36.70A.610. The housing action plan should:

(a) Quantify existing and projected housing needs for all income levels, including extremely low-income households, with documentation of housing and household characteristics, and cost-burdened households;

(b) Develop strategies to increase the supply of housing, and variety of housing types, needed to serve the housing needs identified in (a) of this subsection;

(c) Analyze population and employment trends, with documentation of projections;

(d) Consider strategies to minimize displacement of low-income residents resulting from redevelopment;

(e) Review and evaluate the current housing element adopted pursuant to RCW 36.70A.070, including an evaluation of success in attaining planned housing types and units, achievement of goals and policies, and implementation of the schedule of programs and actions;

(f) Provide for participation and input from community members, community groups, local builders, local realtors, nonprofit housing advocates, and local religious groups; and

(g) Include a schedule of programs and actions to implement the recommendations of the housing action plan.

(3) If adopted by April 1, 2023, ordinances, amendments to development regulations, and other nonproject actions taken by a city to implement the actions specified in subsection (1) of this section, with the exception of the action specified in subsection (1)(f) of this section, are not subject to administrative or judicial appeal under chapter 43.21C RCW.

(4) Any action taken by a city prior to April 1, 2023, to amend their comprehensive plan, or adopt or amend ordinances or development regulations, solely to enact provisions under subsection (1) of this section is not

subject to legal challenge under this chapter.

(5) In taking action under subsection (1) of this section, cities are encouraged to utilize strategies that increase residential building capacity in areas with frequent transit service and with the transportation and utility infrastructure that supports the additional residential building capacity.

(6) A city that is planning to take at least two actions under subsection (1) of this section, and that action will occur between July 28, 2019, and April 1, ((2021)) 2025, is eligible to apply to the department for planning grant assistance of up to one hundred thousand dollars, subject to the availability of funds appropriated for that purpose. The department shall develop grant criteria to ensure that grant funds awarded are proportionate to the level of effort proposed by a city, and the potential increase in housing supply or regulatory streamlining that could be achieved. Funding may be provided in advance of, and to support, adoption of policies or ordinances consistent with this section. A city can request, and the department may award, more than one hundred thousand dollars for applications that demonstrate extraordinary potential to increase housing supply or regulatory streamlining.

(7) A city seeking to develop a housing action plan under subsection (2) of this section is eligible to apply to the department for up to one hundred thousand dollars.

(8) The department shall establish grant award amounts under subsections (6) and (7) of this section based on the expected number of cities that will seek grant assistance, to ensure that all cities can receive some level of grant support. If funding capacity allows, the department may consider accepting and funding applications from cities with a population of less than twenty thousand if the actions proposed in the application will create a significant amount of housing capacity or regulatory streamlining and are consistent with the actions in this section.

(9) In implementing chapter 348, Laws of 2019, cities are encouraged to prioritize the creation of affordable, inclusive neighborhoods and to consider the risk of residential displacement,

particularly in neighborhoods with communities at high risk of displacement."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representative Dye, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Boehnke.

Referred to Committee on Appropriations.

March 19, 2021

ESSB 5408 Prime Sponsor, Committee on Law & Justice: Concerning the homestead exemption. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the homestead exemption is intended to protect the homeowner's equity in a home against unsecured creditors. The legislature finds that changes to the homestead exemption are necessary to modernize the law and to address the case of *Wilson v. Rigby*, 909 F.3d 306 (2018) and to adopt the reasoning in *In re Good*, 588 B.R. 573 (Bankr. W.D. Wash. 2018).

Sec. 2. RCW 6.13.010 and 1999 c 403 s 1 are each amended to read as follows:

(1) The homestead consists of real or personal property that the owner or a dependent of the owner uses as a residence. In the case of a dwelling house or mobile home, the homestead consists of the dwelling house or the mobile home in which the owner resides or intends to reside, with appurtenant buildings, and the land on which the same are situated and by which the same are surrounded, or improved or unimproved land, regardless of area, owned with the intention of placing a house or mobile home thereon and residing thereon. A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed

upon a lot owned by the mobile home owner or a dependent of the owner. Property included in the homestead must be actually intended or used as the principal home for the owner.

(2) As used in this chapter (~~(, the term "owner")~~):

(a) "Owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

~~((3) As used in this chapter, the term "net"))~~ (b) "Net value" means market value less all liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon.

(c) "Forced sale" includes any sale of homestead property in a bankruptcy proceeding under Title 11 of the United States Code. The reinvestment provisions of RCW 6.13.070 do not apply to the proceeds.

(d) "Dependent" has the meaning given in Title 11 U.S.C. Sec. 522(a)(1).

Sec. 3. RCW 6.13.030 and 2007 c 429 s 1 are each amended to read as follows:

~~(A homestead may consist of lands, as described in RCW 6.13.010, regardless of area, but the homestead exemption amount shall not exceed the lesser of (1) the total net value of the lands, manufactured homes, mobile home, improvements, and other personal property, as described in RCW 6.13.010, or (2) the sum of one hundred twenty five thousand dollars in the case of lands, manufactured homes, mobile home, and improvements, or the sum of fifteen thousand dollars in the case of other personal property described in RCW 6.13.010, except where))~~ (1) The homestead exemption amount is the greater of:

(a) \$125,000;

(b) The county median sale price of a single-family home in the preceding calendar year; or

(c) Where the homestead is subject to execution, attachment, or seizure by or under any legal process whatever to satisfy a judgment in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, ~~((in which event there shall be))~~ no dollar limit ~~((on the value of the exemption))~~.

(2) In determining the county median sale price of a single-family home in the preceding year, a court shall use data from the Runstad department of real estate at the University of Washington or, if the Runstad department no longer provides the data, a successor entity designated by the office of financial management.

Sec. 4. RCW 6.13.060 and 2008 c 6 s 634 are each amended to read as follows:

The homestead of a spouse or domestic partner cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both spouses or both domestic partners, except that either spouse or both or either domestic partner or both jointly may make and execute powers of attorney for the conveyance or encumbrance of the homestead. The conveyance or encumbrance of the homestead does not require that any dependent of the owner who is not a spouse or domestic partner execute and acknowledge the instrument by which it is conveyed or encumbered.

Sec. 5. RCW 6.13.070 and 1987 c 442 s 207 are each amended to read as follows:

(1) Except as provided in RCW 6.13.080, the homestead is exempt from attachment and from execution or forced sale for the debts of the owner up to the amount specified in RCW 6.13.030.

(2) In a bankruptcy case, the debtor's exemption shall be determined on the date the bankruptcy petition is filed. If the value of the debtor's interest in homestead property on the petition date is less than or equal to the amount that can be exempted under RCW 6.13.030, then the debtor's entire interest in the property, including the debtor's right to possession and interests of no monetary value, is exempt. Any appreciation in the value of the debtor's exempt interest in the property during the bankruptcy case is also exempt, even if in excess of the amounts in RCW 6.13.030(1).

(3) The proceeds of the voluntary sale of the homestead in good faith for the purpose of acquiring a new homestead, and proceeds from insurance covering destruction of homestead property held for use in restoring or replacing the homestead property, up to the amount specified in RCW 6.13.030, shall likewise be exempt for one year from receipt, and also such new homestead acquired with such proceeds.

~~((2+))~~ (4) Every homestead created under this chapter is presumed to be valid to the extent of all the property claimed exempt, until the validity thereof is contested in a court of general jurisdiction in the county or district in which the homestead is situated.

Sec. 6. RCW 6.13.080 and 2019 c 238 s 215 are each amended to read as follows:

The homestead exemption is not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, construction, maritime, automobile repair, material supplier's, or vendor's liens arising out of and against the particular property claimed as a homestead;

(2) On debts secured:

(a) ~~((by))~~ By security agreements describing as collateral the property that is claimed as a homestead; or

(b) ~~((by))~~ By mortgages or deeds of trust on the premises that have been executed and acknowledged by both spouses or both domestic partners or by any claimant not married or in a state registered domestic partnership. The execution and acknowledgment of a mortgage or deed of trust by a dependent who is not a spouse or domestic partner is not required;

(3) On one spouse's or one domestic partner's or the community's debts existing at the time of that spouse's or that domestic partner's bankruptcy filing where (a) bankruptcy is filed by both spouses or both domestic partners within a six-month period, other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse or other domestic partner exempts property from property of the estate under the bankruptcy exemption provisions of 11 U.S.C. Sec. 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay maintenance;

(5) On debts owing to the state of Washington for recovery of medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p;

(6) On debts secured by a condominium, homeowners', or common interest community association's lien; or

(7) On debts owed for taxes collected under chapters 82.08, 82.12, and 82.14 RCW but not remitted to the department of revenue.

Sec. 7. RCW 61.24.100 and 1998 c 295 s 12 are each amended to read as follows:

(1) Except to the extent permitted in this section for deeds of trust securing commercial loans, a deficiency judgment shall not be obtained on the obligations secured by a deed of trust against any borrower, grantor, or guarantor after a trustee's sale under that deed of trust.

(2)(a) Nothing in this chapter precludes an action against any person liable on the obligations secured by a deed of trust or any guarantor prior to a notice of trustee's sale being given pursuant to this chapter or after the discontinuance of the trustee's sale.

(b) No action under (a) of this subsection precludes the beneficiary from commencing a judicial foreclosure or trustee's sale under the deed of trust after the completion or dismissal of that action.

(3) This chapter does not preclude any one or more of the following after a trustee's sale under a deed of trust securing a commercial loan executed after June 11, 1998:

(a)(i) To the extent the fair value of the property sold at the trustee's sale to the beneficiary or an affiliate of the beneficiary is less than the unpaid obligation secured by the deed of trust immediately prior to the trustee's sale, an action for a deficiency judgment against the borrower or grantor, if such person or persons was timely given the notices under RCW 61.24.040, for (A) any decrease in the fair value of the property caused by waste to the property committed by the borrower or grantor, respectively, after the deed of trust is granted, and (B) the wrongful retention of any rents, insurance proceeds, or condemnation awards by the borrower or grantor, respectively, that are otherwise owed to the beneficiary.

(ii) This subsection (3)(a) does not apply to any property that is occupied by the borrower as its principal residence as of the date of the trustee's sale;

(b) Any judicial or nonjudicial foreclosures of any other deeds of trust, mortgages, security agreements, or other security interests or liens covering any real or personal property granted to secure the obligation that was secured by the deed of trust foreclosed; or

(c) Subject to this section, an action for a deficiency judgment against a guarantor if the guarantor is timely given the notices under RCW 61.24.042.

(4) Any action referred to in subsection (3) (a) and (c) of this section shall be commenced within one year after the date of the trustee's sale, or a later date to which the liable party otherwise agrees in writing with the beneficiary after the notice of foreclosure is given, plus any period during which the action is prohibited by a bankruptcy, insolvency, moratorium, or other similar debtor protection statute. If there occurs more than one trustee's sale under a deed of trust securing a commercial loan or if trustee's sales are made pursuant to two or more deeds of trust securing the same commercial loan, the one-year limitation in this section begins on the date of the last of those trustee's sales.

(5) In any action against a guarantor following a trustee's sale under a deed of trust securing a commercial loan, the guarantor may request the court or other appropriate adjudicator to determine, or the court or other appropriate adjudicator may in its discretion determine, the fair value of the property sold at the sale and the deficiency judgment against the guarantor shall be for an amount equal to the sum of the total amount owed to the beneficiary by the guarantor as of the date of the trustee's sale, less the fair value of the property sold at the trustee's sale or the sale price paid at the trustee's sale, whichever is greater, plus interest on the amount of the deficiency from the date of the trustee's sale at the rate provided in the guaranty, the deed of trust, or in any other contracts evidencing the debt secured by the deed of trust, as applicable, and any costs, expenses, and fees that are provided for in any contract evidencing the guarantor's liability for such a judgment. If any other security is sold to satisfy the same debt prior to the entry of a deficiency judgment against the guarantor, the fair value of that security, as calculated in the manner

applicable to the property sold at the trustee's sale, shall be added to the fair value of the property sold at the trustee's sale as of the date that additional security is foreclosed. This section is in lieu of any right any guarantor would otherwise have to establish an upset price pursuant to RCW 61.12.060 prior to a trustee's sale.

(6) A guarantor granting a deed of trust to secure its guaranty of a commercial loan shall be subject to a deficiency judgment following a trustee's sale under that deed of trust only to the extent stated in subsection (3) (a) (i) of this section. If the deed of trust encumbers the guarantor's principal residence, the guarantor shall be entitled to receive an amount up to ~~((the homestead exemption set forth in RCW 6.13.030))~~ \$125,000, without regard to the effect of RCW 6.13.080(2), from the bid at the foreclosure or trustee's sale accepted by the sheriff or trustee prior to the application of the bid to the guarantor's obligation.

(7) A beneficiary's acceptance of a deed in lieu of a trustee's sale under a deed of trust securing a commercial loan exonerates the guarantor from any liability for the debt secured thereby except to the extent the guarantor otherwise agrees as part of the deed in lieu transaction.

(8) This chapter does not preclude a beneficiary from foreclosing a deed of trust in the same manner as a real property mortgage and this section does not apply to such a foreclosure.

(9) Any contract, note, deed of trust, or guaranty may, by its express language, prohibit the recovery of any portion or all of a deficiency after the property encumbered by the deed of trust securing a commercial loan is sold at a trustee's sale.

(10) A trustee's sale under a deed of trust securing a commercial loan does not preclude an action to collect or enforce any obligation of a borrower or guarantor if that obligation, or the substantial equivalent of that obligation, was not secured by the deed of trust.

(11) Unless the guarantor otherwise agrees, a trustee's sale shall not impair any right or agreement of a guarantor to be reimbursed by a borrower or grantor for a deficiency judgment against the guarantor.

(12) Notwithstanding anything in this section to the contrary, the rights and obligations of any borrower, grantor, and guarantor following a trustee's sale under a deed of trust securing a commercial loan or any guaranty of such a loan executed prior to June 11, 1998, shall be determined in accordance with the laws existing prior to June 11, 1998."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Graham, Assistant Ranking Minority Member; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Abbarno and Ybarra.

Referred to Committee on Finance.

March 19, 2021

SSB 5417 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The COVID-19 pandemic that arrived in Washington in 2020 led to historic economic disruptions and devastating health impacts in the state. In an effort to assist businesses and employees whose assets and livelihoods have been impacted by the strategies used to protect the public's health, the legislature finds that steps must be taken in the public interest to support the most severely impacted industries. The hospitality industry has suffered some of the most devastating impacts of any sector of the state's economy. The legislature finds that assisting this sector of the state's economy to survive and recover from the effects of the pandemic and the steps taken to combat its spread are an urgent priority that is in the best interests of the state and its residents.

NEW SECTION. **Sec. 2.** (1) The board must implement the provisions of this

section as expeditiously as possible. Liquor licensees may conduct activities authorized under this section before completion by the board of actions the board plans to take in order to implement this act, such as adoption of rules or completion of information system changes necessary to allow licensees to apply for required endorsements. However, licensees must comply with board rules when they take effect.

(2) The following licensees may sell alcohol products at retail for curbside and takeout service or delivery or both under liquor and cannabis board licenses and endorsements: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; snack bars; nonprofit arts licensees; and caterers.

(3) Spirits, beer, and wine restaurant licensees may sell premixed servings of spirits containing other alcohol authorized to be sold under the terms of their license or nonalcoholic mixers, or both for takeout or curbside service and for delivery. Spirits, beer, and wine restaurant licensees may also sell kits containing bottled or packaged spirits, other alcohol authorized to be sold under the terms of their license, or nonalcoholic mixers, or both for takeout or curbside service and for delivery. The board may establish by rule the manner in which alcohol products for off-premises consumption must be provided. This subsection does not authorize sale of full bottles of spirits by licensees for off-premises consumption, with the exception of mini-bottles as part of kits containing bottled or packaged spirits. Mini-bottle sales authorized under this subsection as part of kits containing bottled or packaged spirits are exempt from the spirits license issuance fee under RCW 66.24.630(4)(a) and the tax on each retail sale of spirits under RCW 82.08.150.

(4) Spirits, beer, and wine restaurant licensees may sell wine by the glass or premixed servings of wine containing other alcohol authorized to be sold under the terms of the license or nonalcoholic mixers, or both for takeout or curbside service and delivery. Beer and wine restaurant licensees may sell wine or premixed wine drinks by the glass for takeout or curbside service and for delivery. The board may establish by rule the manner in which wine by the glass for

off-premises consumption must be provided.

(5) Distillery and craft distillery licensees may sell premixed servings of spirits containing other alcohol authorized to be sold under the terms of their license or nonalcoholic mixers, or both for takeout or curbside service and for delivery. Distillery and craft distillery licensees may also sell kits containing bottled or packaged spirits, other alcohol authorized to be sold under the terms of their license or nonalcoholic mixers, or both for takeout or curbside service and for delivery. The board may establish by rule the manner in which spirits, other alcohol, and nonalcoholic mixers sold for off-premises consumption must be provided under this subsection, so long as such requirements do not increase the underlying food service obligations for distillers and craft distillers provided in chapter 66.24 RCW. This subsection does not alter the authorizations or privileges contained in chapter 66.24 RCW for distillers or craft distillers to sell full bottles of spirits for off-premises consumption.

(6) Licensees that were authorized by statute or rule before January 1, 2020, to sell growlers for on-premises consumption may sell growlers for off-premises consumption through curbside, takeout, or delivery service. Sale of growlers under this subsection must meet federal alcohol and tobacco tax and trade bureau requirements.

(7) Licensees must obtain from the board an endorsement to their license in order to conduct activities authorized under subsections (2) through (6) of this section. The board may adopt rules governing the manner in which the activities authorized under this section must be conducted. Licensees must not be charged a fee in order to obtain an endorsement required under this section.

(8) Beer and wine specialty shops licensed under RCW 66.24.371 and domestic breweries and microbreweries may sell prefilled growlers for off-premises consumption through takeout or curbside service and delivery, provided that prefilled growlers are sold the same day they are prepared for sale and not stored overnight for sale on future days.

(9) The board must adopt or revise current rules to allow for outdoor service of alcohol by on-premises

licensees holding licenses issued by the board for the following license types: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; snack bars; and private clubs licensed under RCW 66.24.450 and 66.24.452. The board may adopt requirements providing for clear accountability at locations where multiple licensees use a shared space for serving customers.

(10) Upon delivery of any alcohol product authorized to be delivered under this section, the signature of the person age 21 or over receiving the delivery must be obtained.

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

(a) "Board" means the liquor and cannabis board.

(b) "Growlers" means sanitary containers brought to the premises by the purchaser or furnished by the licensee and filled by the retailer at the time of sale.

(c) "Mini-bottles" means original factory-sealed containers holding not more than 50 milliliters of a spirituous beverage.

(12) This section expires July 1, 2023.

NEW SECTION. Sec. 3. A new section is added to chapter 66.08 RCW to read as follows:

The board must consider revising current rules in order to provide greater flexibility regarding food service menu requirements that businesses holding a license issued by the board under Title 66 RCW must provide in conjunction with alcohol sales. This section does not apply to licensees that were not required to provide food service under rules in effect on January 1, 2020. The purpose of this section is to ease food menu requirements to make it more financially feasible for licensees to comply with the board's food service requirements but not replace food safety requirements in rule adopted by the department of health in chapter 246-215 WAC.

NEW SECTION. Sec. 4. (1) The liquor and cannabis board must contract with an independent entity to conduct a study of the impacts of privileges granted by this

act to businesses licensed by the board under Title 66 RCW. The study must examine relevant issues including, but not limited to, the following:

(a) Quantitative measures of impact such as liquor sales data, licensee locations, enforcement activity, hospital and other health provider visits for alcohol-related causes, underage drinking, alcohol dependence treatment, alcohol-related traffic violations, and motor vehicle crash deaths or injuries;

(b) Qualitative investigation of relevant impacts using methods such as key informant interviews and supplemental data collection with licensees, law enforcement, behavioral health service providers, youth prevention and intervention specialists, and revenue stakeholders; and

(c) Additional issues deemed relevant to the goals and results of this act.

(2) The study authorized by this section must be started by January 1, 2022. A report with findings and any recommendations must be provided to the legislature and the governor by December 1, 2022.

(3) This section expires July 1, 2023.

Sec. 5. RCW 66.24.630 and 2020 c 238 s 9 are each amended to read as follows:

(1) There is a spirits retail license to: Sell spirits in original containers to consumers for consumption off the licensed premises and to permit holders; sell spirits in original containers to retailers licensed to sell spirits for consumption on the premises, for resale at their licensed premises according to the terms of their licenses, although no single sale may exceed twenty-four liters, unless the sale is by a licensee that was a contract liquor store manager of a contract liquor store at the location of its spirits retail licensed premises from which it makes such sales; and export spirits.

(2) For the purposes of this title, a spirits retail license is a retail license, and a sale by a spirits retailer is a retail sale only if not for resale. Nothing in this title authorizes sales by on-sale licensees to other retail licensees. The board must establish by rule an obligation of on-sale spirits retailers to:

(a) Maintain a schedule by stock-keeping unit of all their purchases of

spirits from spirits retail licensees, including combination spirits, beer, and wine licensees holding a license issued pursuant to RCW 66.24.035, indicating the identity of the seller and the quantities purchased; and

(b) Provide, not more frequently than quarterly, a report for each scheduled item containing the identity of the purchasing on-premises licensee and the quantities of that scheduled item purchased since any preceding report to:

(i) A distributor authorized by the distiller to distribute a scheduled item in the on-sale licensee's geographic area; or

(ii) A distiller acting as distributor of the scheduled item in the area.

(3) (a) Except as otherwise provided in (c) of this subsection, the board may issue spirits retail licenses only for premises comprising at least ten thousand square feet of fully enclosed retail space within a single structure, including storerooms and other interior auxiliary areas but excluding covered or fenced exterior areas, whether or not attached to the structure, and only to applicants that the board determines will maintain systems for inventory management, employee training, employee supervision, and physical security of the product substantially as effective as those of stores currently operated by the board with respect to preventing sales to or pilferage by underage or inebriated persons.

(b) License issuances and renewals are subject to RCW 66.24.010 and the regulations adopted thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing grocery premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9) (a) for the purpose of processing applications for spirits retail licenses.

(c) The board may not deny a spirits retail license to an otherwise qualified contract liquor store at its contract location or to the holder of former state liquor store operating rights sold at auction under RCW 66.24.620 on the grounds of location, nature, or size of the premises to be licensed. The board

may not deny a spirits retail license to applicants that are not contract liquor stores or operating rights holders on the grounds of the size of the premises to be licensed, if such applicant is otherwise qualified and the board determines that:

(i) There is no spirits retail license holder in the trade area that the applicant proposes to serve;

(ii) The applicant meets, or upon licensure will meet, the operational requirements established by the board by rule; and

(iii) The licensee has not committed more than one public safety violation within the three years preceding application.

(d) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits at its licensed premises, at another licensed premises as designated by the retailer, or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which the retailer may deliver to its own licensed premises and, pursuant to sales permitted under subsection (1) of this section:

(i) To other retailer premises licensed to sell spirits for consumption on the licensed premises;

(ii) To other registered facilities; or

(iii) To lawful purchasers outside the state. The facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers, including at least one retailer licensed to sell spirits.

(e) For purposes of negotiating volume discounts, a group of individual retailers authorized to sell spirits for consumption off the licensed premises may accept delivery of spirits at their individual licensed premises or at any one of the individual licensee's premises, or at a warehouse facility registered with the board.

(4) (a) Except as otherwise provided in RCW 66.24.632, section 2 of this act, or in (b) of this subsection, each spirits retail licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee equivalent to seventeen percent of all spirits sales revenues under the license, exclusive of

taxes collected by the licensee and of sales of items on which a license fee payable under this section has otherwise been incurred. The board must establish rules setting forth the timing of such payments and reporting of sales dollar volume by the licensee, with payments required quarterly in arrears. The first payment is due October 1, 2012.

(b) This subsection (4) does not apply to craft distilleries for sales of spirits of the craft distillery's own production.

(5) In addition to the payment required under subsection (4) of this section, each licensee must pay an annual license renewal fee of one hundred sixty-six dollars. The board must periodically review and adjust the renewal fee as may be required to maintain it as comparable to annual license renewal fees for licenses to sell beer and wine not for consumption on the licensed premises. If required by law at the time, any increase of the annual renewal fee becomes effective only upon ratification by the legislature.

(6) As a condition to receiving and renewing a spirits retail license the licensee must provide training as prescribed by the board by rule for individuals who sell spirits or who manage others who sell spirits regarding compliance with laws and regulations regarding sale of spirits, including without limitation the prohibitions against sale of spirits to individuals who are underage or visibly intoxicated. The training must be provided before the individual first engages in the sale of spirits and must be renewed at least every five years. The licensee must maintain records documenting the nature and frequency of the training provided. An employee training program is presumptively sufficient if it incorporates a "responsible vendor program" adopted by the board.

(7) The maximum penalties prescribed by the board in WAC 314-29-020 through 314-29-040 relating to fines and suspensions are doubled for violations relating to the sale of spirits by spirits retail licensees.

(8) (a) The board must adopt regulations concerning the adoption and administration of a compliance training program for spirits retail licensees, to be known as a "responsible vendor program," to reduce underage drinking,

encourage licensees to adopt specific best practices to prevent sales to minors, and provide licensees with an incentive to give their employees ongoing training in responsible alcohol sales and service.

(b) Licensees who join the responsible vendor program under this section and maintain all of the program's requirements are not subject to the doubling of penalties provided in this section for a single violation in any period of twelve calendar months.

(c) The responsible vendor program must be free, voluntary, and self-monitoring.

(d) To participate in the responsible vendor program, licensees must submit an application form to the board. If the application establishes that the licensee meets the qualifications to join the program, the board must send the licensee a membership certificate.

(e) A licensee participating in the responsible vendor program must at a minimum:

(i) Provide ongoing training to employees;

(ii) Accept only certain forms of identification for alcohol sales;

(iii) Adopt policies on alcohol sales and checking identification;

(iv) Post specific signs in the business; and

(v) Keep records verifying compliance with the program's requirements.

(f)(i) A spirits retail licensee that also holds a grocery store license under RCW 66.24.360 or a beer and/or wine specialty shop license under RCW 66.24.371 may, upon board approval and pursuant to board rules, transition to a combination spirits, beer, and wine license pursuant to RCW 66.24.035.

(ii) An applicant that would qualify for a spirits retail license under this section and that qualifies for a combination spirits, beer, and wine license pursuant to RCW 66.24.035 may apply for a license pursuant to RCW 66.24.035 instead of applying for a spirits retail license under this section.

Sec. 6. RCW 82.08.150 and 2012 c 2 s 106 are each amended to read as follows:

(1) There is levied and collected a tax upon each retail sale of spirits in the original package at the rate of fifteen percent of the selling price.

(2) There is levied and collected a tax upon each sale of spirits in the original package at the rate of ten percent of the selling price on sales by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to restaurant spirits retailers.

(3) There is levied and collected an additional tax upon each sale of spirits in the original package by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to a restaurant spirits retailer and upon each retail sale of spirits in the original package by a licensee of the board at the rate of one dollar and seventy-two cents per liter.

(4) An additional tax is imposed equal to fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) An additional tax is imposed upon each sale of spirits in the original package by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to a restaurant spirits retailer and upon each retail sale of spirits in the original package by a licensee of the board at the rate of seven cents per liter. All revenues collected during any month from this additional tax must be deposited in the state general fund by the twenty-fifth day of the following month.

(6)(a) An additional tax is imposed upon retail sale of spirits in the original package at the rate of three and four-tenths percent of the selling price.

(b) An additional tax is imposed upon retail sale of spirits in the original package to a restaurant spirits retailer at the rate of two and three-tenths percent of the selling price.

(c) An additional tax is imposed upon each sale of spirits in the original package by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to a restaurant spirits retailer and upon each retail sale of spirits in the original package by a licensee of the board at the rate of forty-one cents per liter.

(d) All revenues collected during any month from additional taxes under this subsection must be deposited in the state general fund by the twenty-fifth day of the following month.

(7)(a) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of one dollar and thirty-three cents per liter.

(b) All revenues collected during any month from additional taxes under this subsection must be deposited by the twenty-fifth day of the following month into the general fund.

(8) The tax imposed in RCW 82.08.020 does not apply to sales of spirits in the original package.

(9) The taxes imposed in this section must be paid by the buyer to the seller, and each seller must collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller must be stated separately from the selling price, and for purposes of determining the tax due from the buyer to the seller, it is conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section. Sellers must report and return all taxes imposed in this section in accordance with rules adopted by the department.

(10) ((As used in this section)) (a) Except as otherwise provided in this subsection, the terms, "spirits" and "package" have the same meaning as provided in chapter 66.04 RCW.

(b) Until July 1, 2023, for the purposes of the taxes imposed under this section, the term "spirits" does not include mini-bottles of spirits sold by a person who possesses a valid endorsement under section 2(7) of this act and is licensed as a spirits, beer, and wine restaurant under RCW 66.24.400.

(c) For the purposes of this subsection, "mini-bottles of spirits" means an original factory-sealed container holding not more than 50 milliliters of spirits.

NEW SECTION. Sec. 7. (1) This act contains a temporary tax exemption for restaurants which sell kits containing mini-bottles of spirits. This temporary tax exemption is intended to avoid administrative costs for the state which

are expected to exceed the value of the tax collected during the time until the exemption expires on July 1, 2023.

(2) This act is exempt from the provisions of RCW 82.32.805 and 82.32.808.

NEW SECTION. Sec. 8. Except as provided in section 2(10) of this act, any temporary authorization or relaxation of requirements provided by the Washington state liquor and cannabis board, in effect on the effective date of this section, related to authorizing the photographing or scanning of customer identification in lieu of obtaining a physical signature to document liquor product delivery or verify the age of customers, expires at the end of the governor's proclamation of emergency related to COVID-19.

NEW SECTION. Sec. 9. Any temporary authorization or relaxation of statutory requirements provided by the Washington state liquor and cannabis board related to food requirements associated with wine and beer sampling at farmers markets expires at the end of the governor's proclamation of emergency related to COVID-19.

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

Correct the title.

Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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:

HOUSE BILL NO. 1277
SUBSTITUTE SENATE BILL NO. 5013

SENATE BILL NO. 5021
ENGROSSED SENATE BILL NO. 5026
SUBSTITUTE SENATE BILL NO. 5055
SENATE BILL NO. 5058
SENATE BILL NO. 5077
SENATE BILL NO. 5101
SUBSTITUTE SENATE BILL NO. 5140
SUBSTITUTE SENATE BILL NO. 5179
SENATE BILL NO. 5198
ENGROSSED SUBSTITUTE SENATE BILL NO.
5229
SUBSTITUTE SENATE BILL NO. 5236
SUBSTITUTE SENATE BILL NO. 5273
ENGROSSED SUBSTITUTE SENATE BILL NO.
5275

SECOND SUBSTITUTE SENATE BILL NO. 5313
SENATE BILL NO. 5322
SENATE BILL NO. 5338
SUBSTITUTE SENATE BILL NO. 5423

There being no objection, the House adjourned until
9:55 a.m., March 24, 2021, the 73rd Legislative Day of the
Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTY THIRD DAY

House Chamber, Olympia, Wednesday, March 24, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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 fourth order of business.

INTRODUCTION & FIRST READING

HB 1562 by Representatives Klippert, Mosbrucker, Dufault, Corry, Abbarno, Dye, Graham, Boehnke, Barkis, Jacobsen and Sutherland

AN ACT Relating to allowing local governments to enact laws and ordinances relating to possession of controlled substances and counterfeit substances; and amending RCW 69.50.608.

Referred to Committee on Public Safety.

HB 1563 by Representatives Young, Barkis, Sutherland and Dent

AN ACT Relating to declaratory and other relief in actions to determine the validity of certain gubernatorial orders; amending RCW 7.24.020 and 7.24.100; adding a new section to chapter 7.24 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

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 reverted to the first order of business.

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 Brad Klippert, 8th Legislative District, Washington.

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

REPORTS OF STANDING COMMITTEES

March 22, 2021

SB 5015 Prime Sponsor, Senator Hunt: Concerning fraudulent portrayal of ballot drop boxes. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5051 Prime Sponsor, Committee on Ways & Means: Concerning state oversight and accountability of peace officers and corrections officers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Public Safety.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.101.010 and 2020 c 119 s 2 are each amended to read as follows:

When used in this chapter:

(1) ~~((The term "commission"))~~
"Applicant" means an individual who has received a conditional offer of employment with a law enforcement or corrections agency.

(2) "Commission" means the Washington state criminal justice training commission.

~~((2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.)~~

(3) ~~((The term "criminal"))~~ "Criminal justice personnel" means any person who serves ~~((in a county, city, state, or~~

~~port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law)) as a peace officer, reserve officer, or corrections officer.~~

(4) ~~((The term "law")) "Law enforcement personnel" means any ((public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made)) person elected, appointed, or employed as a general authority Washington peace officer as defined in RCW 10.93.020.~~

(5) ~~((The term "correctional)) "Correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.~~

(6) "Chief for a day program" means a program in which commissioners and staff partner with local, state, and federal law enforcement agencies, hospitals, and the community to provide a day of special attention to chronically ill children. Each child is selected and sponsored by a law enforcement agency. The event, "chief for a day," occurs on one day, annually or every other year and may occur on the grounds and in the facilities of the commission. The program may include any appropriate honoring of the child as a "chief," such as a certificate swearing them in as a chief, a badge, a uniform, and donated gifts such as games, puzzles, and art supplies.

(7) ~~((A peace officer or corrections officer is "convicted")) "Convicted" means at the time a plea of guilty, nolo contendere, or deferred sentence has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or~~

postfact-finding motions and appeals. "Conviction" includes ~~((a deferral of sentence)) all instances in which a plea of guilty or nolo contendere is the basis for conviction, all proceedings in which there is a case disposition agreement, and ((also includes the)) any equivalent disposition by a court in a jurisdiction other than the state of Washington.~~

(8) ~~((a) "Discharged for disqualifying misconduct" has the following meanings:~~

~~(i) A peace officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a peace officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), (III) the unlawful use or possession of a controlled substance, or (IV) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; (B) conduct that would constitute any of the crimes addressed in (a)(i)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination; or~~

~~(ii) A corrections officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a corrections officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), or (III) the unlawful use or possession of a controlled substance; (B) conduct that would constitute any of the crimes addressed in (a)(ii)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.~~

~~(b) A peace officer or corrections officer is "discharged for disqualifying misconduct" within the meaning of this subsection (8) under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of this subsection (8).~~

~~(9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer or corrections officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.~~

~~(10)) "Peace officer" ((means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200)) has the same meaning as a general authority Washington peace officer as defined in RCW 10.93.020. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.15.075 are peace officers for purposes of this chapter.~~

~~((11)) (9) "Corrections officer" means any corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult ((prisoners)) persons in jails and detention facilities ((and who is subject to the basic corrections training requirement of RCW 43.101.220 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.220. For the purpose of RCW 43.101.080, 43.101.096, 43.101.106, 43.101.116, 43.101.121, 43.101.126, 43.101.136, 43.101.146, 43.101.156, 43.101.380, and 43.101.400, "corrections)) in the state. "Corrections officer" does not include individuals employed by state agencies.~~

~~(10) "Finding" means a determination based on a preponderance of the evidence~~

whether alleged misconduct occurred; did not occur; occurred, but was consistent with law and policy; or could neither be proven or disproven.

(11) "Reserve officer" means any person who does not serve as a peace officer of this state on a full-time basis, but who, when called by an agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state and includes:

(a) Specially commissioned Washington peace officers as defined in RCW 10.93.020;

(b) Limited authority Washington peace officers as defined in RCW 10.93.020;

(c) Persons employed as security by public institutions of higher education as defined in RCW 28B.10.016; and

(d) Persons employed for the purpose of providing security in the K-12 Washington state public school system as defined in RCW 28A.150.010 and who are authorized to use force in fulfilling their responsibilities.

(12) "Tribal police officer" means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.

Sec. 2. RCW 43.101.020 and 1974 ex.s. c 94 s 2 are each amended to read as follows:

(1) There is hereby created and established a state commission to be known and designated as the Washington state criminal justice training commission.

(2) The purpose of ((such)) the commission shall be to ((provide programs and standards for the training of eriminal justice personnel)) establish and administer standards and processes for certification, suspension, and decertification of peace officers and corrections officers. The commission shall provide programs and training that enhance the integrity, effectiveness, and professionalism of peace officers and corrections officers while helping to ensure that law enforcement and correctional services are delivered to the people of Washington in a manner that fully complies with the Constitutions and laws of this state and United States. In carrying out its duties, the commission shall strive to promote public trust and

confidence in every aspect of the criminal justice system.

Sec. 3. RCW 43.101.030 and 2020 c 44 s 1 are each amended to read as follows:

The commission shall consist of ~~((sixteen))~~ 21 members ~~((, who shall be selected))~~ as follows:

(1) The governor shall appoint ~~((two))~~ :

(a) One incumbent sheriff ~~((s))~~ and ~~((two))~~ one incumbent chief ~~((s))~~ of police.

~~((2) The governor shall appoint one officer))~~ The governor shall additionally appoint an alternate incumbent chief of police who may perform commission duties in place of the appointed incumbent chief if that person is unavailable;

(b) Two officers at or below the level of first line supervisor who:

(i) Have at least ten years' experience as law enforcement officers;

(ii) Are from ((a county)) two different law enforcement ((agency and one officer at or below the level of first line supervisor from a municipal law enforcement agency. Each appointee under this subsection (2) shall have at least ten years experience as a law enforcement officer.

~~(3) The governor shall appoint one))~~ agencies that each have at least 15 officers and are different than the agencies with which the members in (a) of this subsection are affiliated; and

(iii) Are affiliated with different labor organizations;

(c) One tribal police officer at or below the level of first line supervisor who has at least 10 years' experience as a law enforcement officer;

~~(d) One person employed ((in a county correctional system and one person employed in the state correctional system.~~

~~(4) The governor shall appoint one))~~ in a state or county corrections agency;

(e) One incumbent county prosecuting attorney or municipal attorney((-

~~(5) The governor shall appoint one))~~ and one public defender;

(f) One licensed attorney with background in investigating, advocating,

teaching, training, or presiding over matters related to enhancing law enforcement practices and accountability, who has not been employed in law enforcement;

~~(g) One~~ elected official of a local government((-

~~(6) The governor shall appoint two private citizens))~~ who is not a sheriff or police chief and has not been employed in the last 10 years as a peace officer or prosecutor in any jurisdiction;

~~(h) One person with civilian oversight or auditing experience over law enforcement agencies;~~

~~(i) Seven community members who are not employed in law enforcement, ((one from)) including at least two who reside east of the crest of the Cascade mountains and ((one from west of the crest of the Cascade mountains. At)) at least ((one of the private citizens must be)) three who are from a historically underrepresented community or communities((-~~

~~(7) The governor shall appoint one));~~ and

(j) One tribal chair, board member, councilmember, or ((designee)) enrolled member from a federally recognized tribe with an active certification agreement under RCW 43.101.157((-

~~(8) The three remaining members shall be-~~

~~(a))~~ who is not a sheriff and has not been employed in the last 10 years as a peace officer or prosecutor in any jurisdiction;

(2) The attorney general or the attorney general's designee;

~~((b) The special agent in charge of the Seattle office of the federal bureau of investigation; and~~

~~(e))~~ (3) The chief of the state patrol or the chief's designee.

Sec. 4. RCW 43.101.040 and 2009 c 549 s 5167 are each amended to read as follows:

All members appointed to the commission by the governor shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth ~~((- PROVIDED, That of the))~~. However, for members first appointed ~~((three shall be appointed for~~

~~two year terms, three shall be appointed for four year terms, and three shall be appointed for six year terms: PROVIDED, FURTHER, That the terms of the two members appointed as incumbent police chiefs shall not expire in the same year nor shall the terms of the two members appointed as representing correctional systems expire in the same year nor shall the terms of the two members appointed as incumbent sheriffs expire in the same year~~) as a result of chapter . . . , Laws of 2021 (this act), the governor shall appoint members to terms ranging from two years to six years in order to stagger future appointments. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member (~~he or she~~) the appointee is to succeed. Any member may be reappointed for additional terms.

Sec. 5. RCW 43.101.060 and 1999 c 97 s 2 are each amended to read as follows:

The commission shall elect a chair and a vice chair from among its members. (~~Seven~~) Nine members of the commission shall constitute a quorum. (~~The governor shall summon the commission to its first meeting.~~

~~Meetings~~) The commission shall meet at least quarterly. Additional meetings may be called by the chair and shall be called by (~~him or her~~) the chair upon the written request of six members.

Sec. 6. RCW 43.101.080 and 2020 c 119 s 13 are each amended to read as follows:

The commission shall have all of the following powers:

(1) (~~To meet at such times and places as it may deem proper;~~

~~(2) To adopt any rules and regulations as it may deem necessary;~~

~~(3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;~~

~~(4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;~~

~~(5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;~~

~~(6) To select and employ an executive director, and to empower him or her to perform such duties and responsibilities as it may deem necessary;~~

~~(7) To~~) Conduct training, including the basic law enforcement academy and in-service training, and assume legal, fiscal, and program responsibility for all training conducted by the commission;

(~~(9) To establish~~) (2) Grant, deny, suspend, or revoke certification of, or require remedial training for, peace officers and corrections officers under the provisions of this chapter;

(3) Grant, deny, suspend, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process;

(4) Related to its duties under subsections (2) and (3) of this section, provide for the comprehensive and timely investigation of complaints where necessary to ensure adherence to law and agency policy, strengthen the integrity and accountability of peace officers and corrections officers, and maintain public trust and confidence in the criminal justice system in this state;

(5) Establish, by rule and regulation, curricula and standards for the training of criminal justice personnel where such curricula and standards are not prescribed by statute;

(~~(9) To own~~) (6) Own, establish, and operate, or ((to)) contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel ((and to purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities necessary to the conducting of such programs;

~~(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;~~

~~(11) To review~~);

(7) Review and approve or reject standards for instructors of training programs for criminal justice personnel, and ((to)) employ personnel from law enforcement agencies on a temporary basis as instructors without any loss of employee benefits to those instructors from those agencies;

~~((12) To direct))~~ (8) Direct the development of alternative, innovative, and interdisciplinary training techniques;

~~((13) To review))~~ (9) Review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards ~~((recommended by the training standards and education boards)),~~ including continuing education;

~~((14) To allocate))~~ (10) Allocate financial resources among training and education programs conducted by the commission;

~~((15) To))~~ (11) Purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities and allocate training facility space among training and education programs conducted by the commission;

~~((16) To issue))~~ (12) Issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

~~((17) To provide))~~ (13) Provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

~~((18) To establish))~~ (14) Establish rules and regulations ~~((recommended by the training standards and education boards))~~ prescribing minimum standards relating to physical, mental, and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

~~((19) To require))~~ (15) Require county, city, port, or state law enforcement and corrections agencies that make a conditional offer of employment to an applicant as a fully commissioned peace officer, a reserve officer, or a corrections officer to administer a background investigation ~~((including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, a psychological examination,~~

~~and a polygraph test or similar assessment to each applicant, the results of which shall be used by the employer to determine the applicant's suitability for employment as a fully commissioned peace officer, a reserve officer, or a corrections officer. The background investigation, psychological examination, and the polygraph examination shall be administered in accordance with the requirements of RCW 43.101.095(2) for peace officers, and RCW 43.101.096 for corrections officers. The employing county, city, or state law enforcement agency may require that each peace officer, reserve officer, or corrections officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer, reserve officer, or corrections officer does not readily have the means to pay for his or her portion of the testing fee. This subsection does not apply to corrections officers employed by state agencies;~~

~~((20) To promote))~~ in accordance with the requirements of RCW 43.101.095 to determine the applicant's suitability for employment as a fully commissioned peace officer, reserve officer, or corrections officer;

(16) Appoint members of a hearings panel as provided under RCW 43.101.380;

(17) Issue public recommendations to the governing body of a law enforcement agency regarding the agency's command decisions, inadequacy of policy or training, investigations or disciplinary decisions regarding misconduct, potential systemic violations of law or policy, unconstitutional policing, or other matters;

(18) Promote positive relationships between law enforcement and the ~~((citizens))~~ residents of the state of Washington ~~((by allowing))~~ through commissioners and staff ~~((to participate))~~ participation in the "chief for a day program." The executive director shall designate staff who may participate. In furtherance of this purpose, the commission may accept grants of funds and gifts and may use its public facilities for such purpose. At all times, the participation of commissioners and staff shall comply with

chapter 42.52 RCW and chapter 292-110 WAC(~~-~~

All));

(19) Adopt, amend, repeal, and administer rules and regulations ((adopted by the commission shall be adopted and administered)) pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

Sec. 7. RCW 43.101.085 and 2020 c 119 s 1 are each amended to read as follows:

In addition to its other powers granted under this chapter, the commission has authority and power to:

(1) ((~~Adopt, amend, or repeal rules as necessary to carry out this chapter;~~

(~~2~~)) Contract for services as it deems necessary in order to carry out its duties and responsibilities;

(2) Cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;

(3) Select and employ an executive director, and empower the director to perform such duties and responsibilities as the commission may deem necessary;

(4) Issue subpoenas and statements of charges, and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter, or designate individuals to do so;

((~~3~~)) (5) Employ such staff as necessary for the implementation and enforcement of this chapter;

(6) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;

((~~4~~) Appoint members of a hearings board as provided under RCW 43.101.380;

(~~5~~)) (7) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;

((~~6~~) Grant, deny, or revoke certification of peace officers and corrections officers under the provisions of this chapter;

~~(7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter;~~

~~(8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter; and~~

~~(9) Grant, deny, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process)) and~~

(8) Exercise lawful actions necessary to enable the commission to fully and adequately perform its duties and to exercise the lawful powers granted to the commission.

Sec. 8. RCW 43.101.095 and 2018 c 32 s 5 are each amended to read as follows:

(1) As a condition of ~~((continuing))~~ employment ~~((as peace officers))~~, all Washington peace officers~~((: (a) Shall timely obtain certification as peace officers, or timely obtain certification or exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter))~~ and corrections officers are required to obtain certification as a peace officer or corrections officer or exemption therefrom and maintain certification as required by this chapter and the rules of the commission.

(2) (a) ~~((As a condition of continuing employment for any))~~ Any applicant who has been offered a conditional offer of employment as a ~~((fully commissioned))~~ peace officer or ~~((a))~~ reserve officer ~~((after July 24, 2005))~~ or offered a conditional offer of employment as a corrections officer after July 1, 2021, including any person whose certification has lapsed as a result of a break of more than ~~((twenty-four))~~ 24 consecutive months in the officer's service ~~((as a fully commissioned peace officer or reserve officer, the applicant shall))~~ for a reason other than being recalled to military service, must submit to a background investigation ~~((including a))~~ to determine the applicant's suitability for employment. Employing agencies may only make a conditional offer of employment pending completion of the background check and shall verify in

writing to the commission that they have complied with all background check requirements prior to making any unconditional offer of employment.

(b) The background check must include:

(i) A check of criminal history, ((verification)) any national decertification index, commission records, and all disciplinary records by any previous law enforcement or correctional employer, including complaints or investigations of misconduct and the reason for separation from employment. Law enforcement or correctional agencies that previously employed the applicant shall disclose employment information within 30 days of receiving a written request from the employing agency conducting the background investigation, including the reason for the officer's separation from the agency. Complaints or investigations of misconduct must be disclosed regardless of the result of the investigation or whether the complaint was unfounded;

(ii) Inquiry to the local prosecuting authority in any jurisdiction in which the applicant has served as to whether the applicant is on any potential impeachment disclosure list;

(iii) Inquiry into whether the applicant has any past or present affiliations with extremist organizations, as defined by the commission;

(iv) A review of the applicant's social media accounts;

(v) Verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident ((, a));

(vi) A psychological examination ((, and a)) administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission;

(vii) A polygraph or similar assessment ((as)) administered by ((the county, city, or state law enforcement agency, the results of which shall be used to determine the applicant's suitability for employment as a fully commissioned peace officer or a reserve officer.

~~(i) The background investigation including a check of criminal history shall be administered by the county, city, or state law enforcement agency that made the conditional offer of employment in compliance with standards established in the rules of the commission.~~

~~(ii) The psychological examination shall be administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission.~~

~~(iii) The polygraph test shall be administered by an experienced polygrapher who is a graduate of a polygraph school accredited by the American polygraph association and in compliance with standards established in rules of the commission.~~

~~(iv)) an experienced professional with appropriate training and in compliance with standards established in rules of the commission; and~~

~~(viii) Any other test or assessment ((to be administered as part of the background investigation shall be administered in compliance with standards established in rules of)) that may be required in rule by the commission.~~

~~((b)) (c) The commission may establish standards for the background check requirements in this section and any other preemployment background check requirement that may be imposed by an employing agency or the commission.~~

~~(d) The employing ((county, city, or state)) law enforcement agency may require that each ((peace officer or reserve officer)) person who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or ((four hundred dollars)) \$400, whichever is less. ((County, city, and state law enforcement)) Employing agencies may establish a payment plan if they determine that the ((peace officer or reserve officer)) person does not readily have the means to pay ((for his or her portion of)) the testing fee.~~

~~(3) ((The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule~~

~~from, the basic training requirements of RCW 43.101.200 on or before January 1, 2002. Thereafter, the commission may revoke certification pursuant to this chapter.~~

~~(4))~~ The commission shall allow a peace officer or corrections officer to retain status as a certified peace officer or corrections officer as long as the officer: (a) Timely meets the basic ~~((law enforcement))~~ training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) timely meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification suspended or revoked by the commission.

~~((5))~~ (4) As a ((prerequisite to)) condition of certification, ((as well as a prerequisite to pursuit of a hearing under RCW 43.101.155,)) a peace officer or corrections officer must, on a form devised or adopted by the commission, authorize the release to the employing agency and commission of ((his or her)) the officer's personnel files, including disciplinary, termination ((papers)), civil or criminal investigation ((files)), or other ((files, papers,)) records or information that are directly related to a certification matter or decertification matter before the commission. The peace officer or corrections officer must also consent to and facilitate a review of the officer's social media accounts, however, consistent with RCW 49.44.200, the officer is not required to provide login information. The release of information may not be delayed, limited, or precluded by any agreement or contract between the officer, or the officer's union, and the entity responsible for the records or information.

~~((6))~~ (5) The employing agency and commission ((is)) are authorized to receive criminal history record information that includes nonconviction data for any purpose associated with employment ((by the commission)) or ((peace officer)) certification under this chapter. Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited.

~~((7))~~ (6) For a national criminal history records check, the commission shall require fingerprints be submitted and searched through the Washington state patrol identification and criminal history section. The Washington state patrol shall forward the fingerprints to the federal bureau of investigation.

(7) Prior to certification, the employing agency shall certify to the commission that the agency has completed the background check, no information has been found that would disqualify the applicant from certification, and the applicant is suitable for employment as a peace officer or corrections officer.

Sec. 9. RCW 43.101.105 and 2011 c 234 s 3 are each amended to read as follows:

(1) ((Upon)) To help prevent misconduct, enhance peace officer and corrections officer accountability through the imposition of sanctions commensurate to the wrongdoing when misconduct occurs, and enhance public trust and confidence in the criminal justice system, upon request by ((a peace)) an officer's employer or on its own initiative, the commission may deny, suspend, or revoke certification of ((any peace)), or require remedial training for, an officer((, after)) as provided in this section. The commission shall provide the officer with written notice and a hearing, if a hearing is timely requested by the ((peace)) officer under RCW 43.101.155((, based upon a finding of one or more of the following conditions:

~~(a) The peace officer has failed to timely meet all requirements for obtaining a certificate of basic law enforcement training, a certificate of basic law enforcement training equivalency, or a certificate of exemption from the training;~~

~~(b) The peace officer has knowingly falsified or omitted material information on an application for training or certification to the commission;~~

~~(c) The peace officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out of state offense comparable to a felony under the laws of this state, except that if a certified peace officer was convicted of a felony before being employed as a peace officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before~~

~~being hired, the commission may revoke certification only with the agreement of the employing law enforcement agency;~~

~~(d) The peace officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after January 1, 2002;~~

~~(e) The peace officer's certificate was previously issued by administrative error on the part of the commission; or~~

~~(f) The peace officer has interfered with an investigation or action for denial or revocation of certificate by:~~
~~(i) Knowingly making a materially false statement to the commission; or (ii) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness)). Notice and hearing are not required when a peace officer voluntarily surrenders certification.~~

~~(2) ((After July 24, 2005, the)) The commission must deny or revoke the certification of an applicant or officer if the applicant or officer:~~

~~(a) (i) Has been convicted of:~~

~~(A) A felony offense;~~

~~(B) A gross misdemeanor domestic violence offense;~~

~~(C) An offense with sexual motivation as defined in RCW 9.94A.030;~~

~~(D) An offense under chapter 9A.44 RCW; or~~

~~(E) A federal or out-of-state offense comparable to an offense listed in (a) (i) (A) through (D) of this subsection (2); and~~

~~(ii) (A) The offense was not disclosed at the time of application for initial certification; or~~

~~(B) The officer was a certified peace officer or corrections officer at the time of the offense; and~~

~~(iii) The offense is not one for which the officer was granted a full and unconditional pardon; and~~

~~(iv) The offense was not adjudicated as a juvenile and the record sealed;~~

~~(b) Has been terminated by the employing agency or otherwise separated from the employing agency after engaging~~

~~in, or was found by a court to have engaged in, the use of force which resulted in death or serious injury and the use of force violated the law;~~

~~(c) Has been terminated by the employing agency or otherwise separated from the employing agency after witnessing, or found by a court to have witnessed, another officer's use of excessive force and:~~

~~(i) Was in a position to intervene to end the excessive use of force and failed to do so; or~~

~~(ii) Failed to report the use of excessive force in accordance with agency policy or law;~~

~~(d) Has been terminated by the employing agency or otherwise separated from the employing agency after knowingly making, or found by a court to have knowingly made, misleading, deceptive, untrue, or fraudulent representations in the practice of being a peace officer or corrections officer including, but not limited to, committing perjury, filing false reports, hiding evidence, or failing to report exonerating information. This subsection (2) (d) does not apply to representations made in the course and for the purposes of an undercover investigation or other lawful law enforcement purpose; or~~

~~(e) Is prohibited from possessing weapons by state or federal law or by a permanent court order entered after a hearing.~~

~~(3) The commission may deny, suspend, or revoke certification or require remedial training of an applicant or officer if the applicant or officer:~~

~~(a) Failed to timely meet all requirements for obtaining a certificate of basic law enforcement or corrections training, a certificate of basic law enforcement or corrections training equivalency, or a certificate of exemption from the training;~~

~~(b) Was previously issued a certificate through administrative error on the part of the commission;~~

~~(c) Knowingly falsified or omitted material information on an application to the employer or for training or certification to the commission;~~

~~(d) Interfered with an investigation or action for denial or revocation of certification by:~~

(i) Knowingly making a materially false statement to the commission;

(ii) Failing to timely and accurately report information to the commission as required by law or policy; or

(iii) In any matter under review or investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness;

(e) Engaged in a use of force that could reasonably be expected to cause physical injury, and the use of force violated the law or policy of the officer's employer;

(f) Committed sexual harassment as defined by state law;

(g) Through fraud or misrepresentation, has used the position of peace officer or corrections officer for personal gain;

(h) Engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religion, creed, color, national origin, immigration status, disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status;

(i) Has affiliation with one or more extremist organizations;

(j) Whether occurring on or off duty, has:

(i) Been found to have committed a felony, without regard to conviction;

(ii) Engaged in a pattern of acts showing an intentional or reckless disregard for the rights of others, including but not limited to violation of an individual's constitutional rights under the state or federal constitution or a violation of RCW 10.93.160;

(iii) Engaged in unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property; or

(iv) Engaged in any conduct or pattern of conduct that: Fails to meet the ethical and professional standards required of a peace officer or corrections officer; disrupts,

diminishes, or otherwise jeopardizes public trust or confidence in the law enforcement profession and correctional system; or demonstrates an inability or unwillingness to uphold the officer's sworn oath to enforce the constitution and laws of the United States and the state of Washington;

(k) Has been suspended or discharged, has resigned or retired in lieu of discharge, or has separated from the agency after the alleged misconduct occurred, for any conduct listed in this section; or

(l) Has voluntarily surrendered the person's certification as a peace officer or corrections officer.

(4) In addition to the penalties set forth in subsection (3) of this section, the commission may require mandatory retraining or placement on probation for up to two years, or both. In determining the appropriate penalty or sanction, the commission shall consider: The findings and conclusions, and the basis for the findings and conclusions, of any due process hearing or disciplinary appeals hearing following an investigation by a law enforcement agency regarding the alleged misconduct, if such hearing has occurred prior to the commission's action; any sanctions or training ordered by the employing agency regarding the alleged misconduct; and whether the employing agency bears any responsibility for the situation.

(5) The commission shall deny certification to any applicant who ((has)) lost ((his or her)) certification as a result of a break in service of more than ((~~twenty-four~~)) 24 consecutive months if that applicant failed to comply with the requirements set forth in RCW 43.101.080((~~19~~)) (15) and 43.101.095(2).

(6) The fact that the commission has suspended an officer's certification is not, in and of itself, a bar to the employing agency's maintenance of the officer's health and retirement benefits.

(7) Any suspension or period of probation imposed by the commission shall run concurrently to any leave or discipline imposed by the employing agency for the same incident.

(8) A law enforcement agency may not terminate a peace officer based solely on imposition of suspension or probation by

the commission. This subsection does not prohibit a law enforcement agency from terminating a peace officer based on the underlying acts or omissions for which the commission took such action.

(9) Any of the misconduct listed in subsections (2) and (3) of this section is grounds for denial, suspension, or revocation of certification of a reserve officer to the same extent as applied to a peace officer, if the reserve officer is certified pursuant to RCW 43.101.095.

Sec. 10. RCW 43.101.115 and 2001 c 167 s 4 are each amended to read as follows:

(1) A person denied a certification based upon dismissal or withdrawal from a basic law enforcement academy (~~((for any reason not also involving discharge for disqualifying misconduct))~~) or basic corrections academy under RCW 43.101.105(3)(a) is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, ~~((rules which may))~~ which rules shall provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is mandatorily denied or revoked ~~((based upon a felony criminal conviction))~~ pursuant to RCW 43.101.105(2) is not eligible for certification at any time.

(4) A ~~((peace officer))~~ person whose certification is denied or revoked ~~((based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction,))~~ for reasons other than provided in subsections (1) through (3) of this section may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement. The commission ~~((shall))~~ may hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for

certification is determined, the commission ~~((may))~~ shall establish a probationary period of certification.

(5) A ~~((peace officer))~~ person whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission ~~((may))~~ shall establish a probationary period of certification.

(6) The commission's rules and decisions regarding reinstatement shall align with its responsibilities to enhance public trust and confidence in the law enforcement profession and correctional system.

Sec. 11. RCW 43.101.135 and 2001 c 167 s 6 are each amended to read as follows:

(1) (a) Upon ~~((termination))~~ separation of a peace officer or corrections officer from an employing agency for any reason, including termination, resignation, or retirement, the agency ~~((of termination))~~ shall ~~((, within fifteen days of the termination,))~~ notify the commission within 15 days of the separation date on a personnel action report form provided by the commission. ((The agency of termination shall, upon))

(b) If the employer accepts an officer's resignation or retirement in lieu of termination, the employing agency shall report the reasons and rationale in the information provided to the commission, including the findings from any internal or external investigations into alleged misconduct.

(2) In addition to those circumstances under subsection (1) of this section and whether or not disciplinary proceedings have been concluded, the employing agency shall:

(a) Notify the commission within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer or any time an officer has been charged with a crime. Employing agencies must have a policy requiring officers to report any pending criminal charges and any conviction,

plea, or other case disposition immediately to their agency; and

(b) Notify the commission within 15 days of an initial disciplinary decision by an employing agency for alleged behavior or conduct by an officer that is noncriminal and may result in revocation of certification pursuant to RCW 43.101.105.

(3) To better enable the commission to act swiftly and comprehensively when misconduct has occurred that may undermine public trust and confidence in law enforcement or the correctional system, if the totality of the circumstances support a conclusion that the officer resigned or retired in anticipation of discipline, whether or not the misconduct was discovered at the time, and when such discipline, if carried forward, would more likely than not have led to discharge, or if the officer was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the officer's suspension or discharge, the employing agency shall conduct and complete the investigation and provide all relevant information to the commission as if the officer were still employed by the agency.

(4) Upon request of the commission, the employing agency shall provide such additional documentation or information as the commission deems necessary to determine whether the ((~~termination~~)) separation or event provides grounds for suspension or revocation ((~~under RCW 43.101.105~~)).

(5) At its discretion, the commission may:

(a) Initiate decertification proceedings upon conclusion of any investigation or disciplinary proceedings initiated by the employing agency;

(b) Separately pursue action against the officer's certification under RCW 43.101.105; or

(c) Wait to proceed until any investigation, disciplinary proceedings, or appeals through the employing agency are final before taking action. Where a decertification decision requires a finding that the officer's conduct violated policy and the employing agency has begun its investigation into the underlying event, the commission shall await notification of a finding by the

employing agency before beginning the decertification process.

(6) No action or failure to act by an employing agency or decision resulting from an appeal of that action precludes action by the commission to suspend or revoke an officer's certification.

(7) An employing agency may not enter into any agreement or contract with an officer, or union:

(a) Not to report conduct, delay reporting, or preclude disclosure of any relevant information, including a promise not to check the box on a commission notice that indicates the officer may have committed misconduct, in exchange for allowing an officer to resign or retire or for any other reason; or

(b) That allows the agency to destroy or remove any personnel record while the officer is employed and for 10 years thereafter. Such records must include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, investigatory files, and other disciplinary appeals and litigation records.

(8) The commission shall maintain ((~~these notices~~)) all information provided pursuant to this section in a permanent file((, ~~subject to RCW 43.101.400~~)).

(9) In addition to disciplinary action authorized in RCW 43.101.105, the commission may impose a civil penalty not to exceed \$10,000 for the failure by an officer or an employing agency to timely and accurately report information pursuant to this section.

Sec. 12. RCW 43.101.145 and 2001 c 167 s 8 are each amended to read as follows:

((~~A law enforcement officer or duly authorized representative of a law enforcement agency~~)) (1) Any individual may submit a written complaint to the commission ((~~charging~~)) stating that ((~~a peace~~)) an officer's certificate should be denied, suspended, or revoked, and specifying the grounds for the ((~~charge~~)) complaint. Filing a complaint does not make a complainant a party to the commission's action.

(2) The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. All complaints must be resolved with a written determination, regardless of the decision to investigate.

(3) The commission may initiate an investigation in any instance where there is a pattern of complaints or other actions that may not have resulted in a formal adjudication of wrongdoing, but when considered together demonstrate conduct that would constitute a violation of RCW 43.101.105 (2) or (3). The commission must consider the agency's policies and procedures and the officer's job duties and assignment in determining what constitutes a pattern.

(4) A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

Sec. 13. RCW 43.101.155 and 2001 c 167 s 9 are each amended to read as follows:

(1) If the commission determines, upon investigation, that there is ~~((probable))~~ cause to believe that a peace officer's or corrections officer's certification should be denied, suspended, or revoked under RCW 43.101.105, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer unless the officer has consented to service in some other manner, including electronic notification. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of ~~((termination))~~ separation and any current ~~((law enforcement))~~ agency employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within ~~((sixty))~~ 60 days of ~~((communication of))~~ the statement of charges, request a hearing before the hearings ~~((board))~~ panel appointed under RCW 43.101.380. Failure of the officer to request a hearing within the ~~((sixty-day))~~ 60-day period constitutes a default, whereupon

the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the officer is required to provide an email address that constitutes the officer's legal address for purposes of any subsequent communication from the commission. Unless otherwise agreed to by the mutual agreement of the parties or for good cause, within two weeks of receipt of the officer's request for a hearing, the commission shall set a date ~~((of))~~ for the hearing, which must be ~~((scheduled not earlier than ninety days nor later than one hundred eighty days after communication of the statement of charges to the officer; the one hundred eighty day period may be extended on mutual agreement of the parties or for good cause))~~ held within 90 days thereafter. ~~((The))~~ On the date the hearing is set, the commission shall ~~((give))~~ transmit electronic and written notice of the hearing ~~((at least twenty days prior to the hearing))~~ to the officer, and provide public notice on the commission website, specifying the time, date, and place of hearing.

Sec. 14. RCW 43.101.157 and 2006 c 22 s 2 are each amended to read as follows:

(1) Tribal governments may voluntarily request certification for their police officers. Tribal governments requesting certification for their police officers must enter into a written agreement with the commission. The agreement must require the tribal law enforcement agency and its officers to comply with all of the requirements for granting, denying, and revoking certification as those requirements are applied to peace officers certified under this chapter and the rules of the commission.

(2) Officers making application for certification as tribal police officers shall meet the requirements of this chapter and the rules of the commission as those requirements are applied to certification of peace officers. Application for certification as a tribal police officer shall be accepted and processed in the same manner as those for certification of peace officers.

~~((3) For purposes of certification, "tribal police officer" means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.))~~

Sec. 15. RCW 43.101.230 and 1981 c 134 s 1 are each amended to read as follows:

~~((Indian tribe))~~ Tribal police officers and employees who are engaged in law enforcement activities and who do not qualify as "criminal justice personnel" or "law enforcement personnel" under RCW 43.101.010 ~~((, as now law or hereafter amended, may))~~ shall be provided training under this chapter if: (a) The tribe is recognized by the federal government, and (b) the tribe pays to the commission the full cost of providing such training. The commission shall place all money received under this section into the criminal justice training account.

Sec. 16. RCW 43.101.390 and 2001 c 167 s 11 are each amended to read as follows:

(1) The commission ~~((, its boards,))~~ and individuals acting on behalf of the commission ~~((and its boards))~~ are immune from suit in any civil or criminal action contesting or based upon proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

(2) Without limiting the generality of the foregoing, the commission and individuals acting on behalf of the commission are immune from suit in any civil action based on the certification, denial of certification, suspension, or other action regarding decertification of peace officers, reserve officers, or corrections officers.

Sec. 17. RCW 43.101.420 and 2009 c 19 s 1 are each amended to read as follows:

(1) The commission shall offer a training session on personal crisis recognition and crisis intervention services to criminal justice, ~~((correctional personnel))~~ corrections, and other public safety employees. The training shall be implemented by the commission in consultation with appropriate public and private organizations that have expertise in crisis referral services and in the underlying conditions leading to the need for crisis referral.

(2) The training shall consist of a minimum of one hour of classroom or internet instruction, and shall include instruction on the following subjects:

(a) The description and underlying causes of problems that may have an impact on the personal and professional lives of public safety employees, including mental health issues, chemical dependency, domestic violence, financial problems, and other personal crises;

(b) Techniques by which public safety employees may recognize the conditions listed in (a) of this subsection and understand the need to seek assistance and obtain a referral for consultation and possible treatment; and

(c) A listing of examples of public and private crisis referral agencies available to public safety employees.

(3) The training developed by the commission shall be made available by the commission to all employees of state and local agencies that perform public safety duties. The commission may charge a reasonable fee to defer the cost of making the training available.

Sec. 18. RCW 34.12.035 and 1984 c 141 s 6 are each amended to read as follows:

The chief administrative law judge shall designate an administrative law judge with subject matter expertise to serve, as the need arises, as presiding officer in ~~((state))~~:

(1) State patrol disciplinary hearings conducted under RCW 43.43.090; and

(2) Decertification hearings conducted under RCW 43.101.380.

Sec. 19. RCW 40.14.070 and 2011 c 60 s 18 are each amended to read as follows:

(1) (a) ~~((County))~~ Other than those records detailed in subsection (4) of this section, county, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

(b) A local government agency, as an alternative to submitting lists, may elect to establish a records control

program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

(2) (a) Except as otherwise provided by law, and other than the law enforcement records detailed in subsection (4) of this section, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

(i) The records are six or more years old;

(ii) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or

(iii) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention,

preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

(b) (i) Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval. Upon electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

(ii) Any sealed record transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval, including records sealed after transfer, shall be electronically retained in such a way that the record is clearly marked as sealed.

(iii) The Washington association of sheriffs and police chiefs shall be permitted to destroy both the paper copy and electronic record of any offender verified as deceased.

(c) Any record transferred to the Washington association of sheriffs and police chiefs pursuant to (b) of this subsection shall be deemed to no longer constitute a public record pursuant to RCW 42.56.010 and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW 10.97.030 for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter 71.09 RCW and the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420.

Electronic records marked as sealed shall only be accessible by criminal

justice agencies as defined in RCW 10.97.030 who would otherwise have access to a sealed paper copy of the document, the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420, and the system administrator for the purposes of system administration and maintenance.

(3) Except as otherwise provided by law, county, municipal, and other local government agencies may, as an alternative to destroying noncurrent public records having no further administrative or legal value, donate the public records to the state library, local library, historical society, genealogical society, or similar society or organization.

Public records may not be donated under this subsection unless:

(a) The records are seventy years old or more;

(b) The local records committee has approved the destruction of the public records; and

(c) The state archivist has determined that the public records have no historic interest.

(4) Personnel records for any peace officer or corrections officer must be retained for the duration of the officer's employment and a minimum of 10 years thereafter. Such records include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements set forth in RCW 43.101.095 and 43.101.135.

Sec. 20. RCW 43.101.380 and 2020 c 119 s 10 are each amended to read as follows:

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is ((clear, cogent, and convincing)) a preponderance of the evidence.

(2) In all hearings requested under RCW 43.101.155 ~~((or 43.101.156))~~, an administrative law judge appointed under chapter 34.12 RCW shall be the presiding officer, shall make all necessary rulings in the course of the hearing, and shall issue a proposed recommendation, but is not entitled to vote. In addition, a five-member hearings panel shall ~~((both))~~ hear the case and make the commission's final administrative decision. ~~((Members of the commission may, but need not, be appointed to the hearings panels.))~~

(3) The commission shall appoint ~~((as follows two or more panels))~~ a panel to hear certification actions as follows:

(a) When a hearing is requested in relation to a certification action of a Washington peace officer ~~((who is not a peace officer of the Washington state patrol))~~, the commission shall appoint to the panel: (i) One police chief ~~((or (ii) one))~~ or sheriff from an agency not a current or past employer of the peace officer; ~~((iii) two))~~ (ii) one certified Washington peace officer ~~((s))~~ who ~~((are))~~ is at or below the level of first line supervisor ~~((, one of whom is from a city or county law enforcement agency))~~ and who ~~((have))~~ has at least ten years' experience as a peace officer ~~((s))~~; ~~((and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university))~~ (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

(b) ~~((When a hearing is requested in relation to a certification action of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, who is not a state patrol officer, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not~~

~~currently a peace officer and who represents a community college or four-year college or university.~~

~~(e))~~ When a hearing is requested in relation to a certification action of a Washington corrections officer, the commission shall appoint to the panel: (i) ~~((Two heads of))~~ A person who heads either a city or county corrections agency or facility or of a Washington state department of corrections facility; (ii) ~~((two))~~ one corrections officer ~~((s))~~ who ~~((are))~~ is ~~((, who are from city, county, or state corrections agencies,))~~ at or below the level of first line supervisor ~~((, who are from city, county, or state corrections agencies,))~~ and who ~~((have))~~ has ~~((at least ten years' experience as a corrections officer((s));~~ (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and ~~((iii))~~ (v) one person with expertise and background in police accountability who is not ~~((currently))~~ a current or former peace officer or corrections officer ~~((and who represents a community college or four-year college or university)).~~

~~((d))~~ (c) When a hearing is requested in relation to a certification action of a tribal police officer, the commission shall appoint to the panel (i) ~~((either one police chief or one sheriff;~~ (ii) one tribal police chief; ~~((iii))~~ one certified Washington peace officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; ~~((iv))~~ (ii) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; ~~((and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university))~~ (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

~~((e))~~ (d) Persons appointed to hearings panels by the commission shall, in relation to any certification action on which they sit, have the powers,

duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

~~((3) Where the charge upon which revocation or denial is based is that a peace officer or corrections officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of RCW 43.101.105(1)(d) or 43.101.106(4), and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct,))~~ (4) In decertification matters where there was a due process hearing or a disciplinary appeals hearing following an investigation by a law enforcement agency, or a criminal hearing regarding the alleged misconduct, the hearings panel need not redetermine the underlying facts but may make ~~((this))~~ its determination based solely on review of the records and decision relating to ~~((the employment separation))~~ those proceedings and any investigative or summary materials from the administrative law judge, legal counsel, and commission staff. However, the hearings panel may, in its discretion, consider additional evidence to determine whether ~~((such a discharge))~~ misconduct occurred ~~((and was based on such disqualifying misconduct)).~~ The hearings panel shall, upon written request by the subject peace officer or corrections officer, allow the peace officer or corrections officer to present additional evidence of extenuating circumstances.

~~((Where the charge upon which revocation or denial of certification is based is that a peace officer or corrections officer "has been convicted at any time of a felony offense" within the meaning of RCW 43.101.105(1)(c) or 43.101.106(3), the hearings panel shall revoke or deny certification if it determines that the peace officer or corrections officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon~~

~~the panel's determination of relevancy, consider additional evidence to determine whether the peace officer or corrections officer was convicted of a felony.~~

~~Where the charge upon which revocation or denial is based is under RCW 43.101.105(1) (a), (b), (c), or (f) or 43.101.106 (1), (2), (5), or (6), the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.~~

~~(4)) (5) The commission is authorized to proceed regardless of whether an arbitrator or other appellate decision maker overturns the discipline imposed by the officer's employing agency or whether the agency settles an appeal. No action or failure to act by a law enforcement agency or corrections agency or decision resulting from an appeal of that action precludes action by the commission to suspend or revoke an officer's certificate, to place on probation, or to require remedial training for the officer.~~

~~(6) The hearings, but not the deliberations of the hearings panel, are open to the public. The transcripts, admitted evidence, and written decisions of the hearings panel on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.~~

~~(7) Summary records of hearing dispositions must be made available on an annual basis on a public website.~~

~~(8) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.~~

Sec. 21. RCW 43.101.400 and 2020 c 119 s 12 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, ~~((the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under RCW 43.101.135 or 43.101.136; (b))~~ all files, papers, and other information obtained by the commission as part of an initial background investigation pursuant to RCW 43.101.095 ~~((5) or 43.101.096; and (c) all investigative files of the commission compiled in carrying out the~~

~~responsibilities of the commission under this chapter)) (2) and (4) are confidential and exempt from public disclosure. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in ((subsection (5) of this section)) RCW 43.101.380(6) or which become part of the record in a suspension or decertification matter.~~

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement or corrections agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement or corrections agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

~~(4) ((Upon a determination that a complaint is without merit, that a personnel action report filed under RCW 43.101.135 does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.~~

~~(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject~~

~~to subpoena and discovery proceedings in civil actions.~~

~~(6)) The commission shall maintain a database that is publicly searchable, machine readable, and exportable, and accompanied by a complete, plain-language data dictionary describing the names of officers and employing agencies, all conduct investigated, certifications denied, notices and accompanying information provided by law enforcement or correctional agencies, including the reasons for separation from the agency, decertification or suspension actions pursued, and final disposition and the reasons therefor for at least 30 years after final disposition of each incident. The dates for each material step of the process must be included. Any decertification must be reported to the national decertification index.~~

(5) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

NEW SECTION. Sec. 22. A new section is added to chapter 43.101 RCW to read as follows:

The commission must develop policies, procedures, and rules to ensure that the goals of this act are fully implemented as intended and in a timely manner, and to provide appropriate clarity to affected persons and entities as to how the commission will process complaints, investigations, and hearings, and impose sanctions, related to officer decertification. The commission must work in collaboration with interested parties and entities in developing the policies, procedures, and rules, and must take into account issues regarding when and how the commission may appropriately exercise authority in relation to simultaneous investigations and disciplinary processes, and how the commission may exercise available remedies in a manner that is appropriate to case circumstances and consistent with the goals of this act. The policies, procedures, and rules must be completed by June 30, 2022.

Sec. 23. RCW 41.56.905 and 1983 c 287 s 5 are each amended to read as follows:

The provisions of this chapter are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. Except as

provided in RCW 53.18.015, 43.101.095, and 43.101.135, if any provision of this chapter conflicts with any other statute, ordinance, rule or regulation of any public employer, the provisions of this chapter shall control.

Sec. 24. RCW 49.44.200 and 2013 c 330 s 1 are each amended to read as follows:

(1) An employer may not:

(a) Request, require, or otherwise coerce an employee or applicant to disclose login information for the employee's or applicant's personal social networking account;

(b) Request, require, or otherwise coerce an employee or applicant to access his or her personal social networking account in the employer's presence in a manner that enables the employer to observe the contents of the account;

(c) Compel or coerce an employee or applicant to add a person, including the employer, to the list of contacts associated with the employee's or applicant's personal social networking account;

(d) Request, require, or cause an employee or applicant to alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account; or

(e) Take adverse action against an employee or applicant because the employee or applicant refuses to disclose his or her login information, access his or her personal social networking account in the employer's presence, add a person to the list of contacts associated with his or her personal social networking account, or alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account.

(2) This section does not apply to an employer's request or requirement that an employee share content from his or her personal social networking account if the following conditions are met:

(a) The employer requests or requires the content to make a factual determination in the course of conducting an investigation;

(b) The employer undertakes the investigation in response to receipt of information about the employee's

activity on his or her personal social networking account;

(c) The purpose of the investigation is to: (i) Ensure compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct; or (ii) investigate an allegation of unauthorized transfer of an employer's proprietary information, confidential information, or financial data to the employee's personal social networking account; and

(d) The employer does not request or require the employee to provide his or her login information.

(3) This section does not:

(a) Apply to a social network, intranet, or other technology platform that is intended primarily to facilitate work-related information exchange, collaboration, or communication by employees or other workers;

(b) Prohibit an employer from requesting or requiring an employee to disclose login information for access to: (i) An account or service provided by virtue of the employee's employment relationship with the employer; or (ii) an electronic communications device or online account paid for or supplied by the employer;

(c) Prohibit an employer from enforcing existing personnel policies that do not conflict with this section; (~~or~~)

(d) Prevent an employer from complying with the requirements of state or federal statutes, rules or regulations, case law, or rules of self-regulatory organizations; or

(e) Apply to a background investigation in accordance with RCW 43.101.095. However, the officer must not be required to provide login information.

(4) If, through the use of an employer-provided electronic communications device or an electronic device or program that monitors an employer's network, an employer inadvertently receives an employee's login information, the employer is not liable for possessing the information but may not use the login information to access the employee's personal social networking account.

(5) For the purposes of this section and RCW 49.44.205:

(a) "Adverse action" means: Discharging, disciplining, or otherwise penalizing an employee; threatening to discharge, discipline, or otherwise penalize an employee; and failing or refusing to hire an applicant.

(b) "Applicant" means an applicant for employment.

(c) "Electronic communications device" means a device that uses electronic signals to create, transmit, and receive information, including computers, telephones, personal digital assistants, and other similar devices.

(d) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or other activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation. "Employer" includes an agent, a representative, or a designee of the employer.

(e) "Login information" means a user name and password, a password, or other means of authentication that protects access to a personal social networking account.

Sec. 25. RCW 41.06.040 and 1969 ex.s. c 36 s 22 are each amended to read as follows:

The provisions of this chapter apply to:

(1) Each board, commission or other multimember body, including, but not limited to, those consisting in whole or in part of elective officers;

(2) Each agency, and each employee and position therein, not expressly excluded or exempted under the provisions of RCW 41.06.070 or otherwise excluded or exempted in this chapter.

NEW SECTION. Sec. 26. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter do not apply in the Washington state criminal justice training commission to two confidential secretaries involved in managing the confidential records under RCW 43.101.135 and 43.101.400.

NEW SECTION. Sec. 27. No later than December 1, 2022, the criminal justice training commission shall submit a written report to the governor and the appropriate committees of the legislature detailing progress of implementation of this act.

NEW SECTION. Sec. 28. The following acts or parts of acts are each repealed:

(1) RCW 43.101.096 (Corrections officer certification) and 2020 c 119 s 3;

(2) RCW 43.101.106 (Denial or revocation of corrections officer certification) and 2020 c 119 s 4;

(3) RCW 43.101.116 (Denial or revocation of corrections officer certification—Readmission to academy—Reinstatement) and 2020 c 119 s 5;

(4) RCW 43.101.136 (Termination of corrections officer—Notification to commission) and 2020 c 119 s 7;

(5) RCW 43.101.146 (Written complaint by corrections officer or corrections agency to deny or revoke corrections officer certification—Immunity of complainant) and 2020 c 119 s 8;

(6) RCW 43.101.156 (Denial or revocation of corrections officer certification—Statement of charges—Notice—Hearing) and 2020 c 119 s 9; and

(7) RCW 43.101.180 (Priorities) and 1981 c 136 s 27 & 1974 ex.s. c 94 s 18.

NEW SECTION. Sec. 29. A new section is added to chapter 10.93 RCW to read as follows:

A general authority Washington law enforcement agency or limited authority Washington law enforcement agency is prohibited from considering the application for any office, place, position, or employment within the agency if the applicant has not provided the agency a document, voluntarily and knowingly signed by the applicant, that authorizes each prior employer to release any and all information relating to the applicant's employment, and further releasing and holding harmless the agency and each prior employer from any and all liability that may potentially result from the release and use of such information provided.

Sec. 30. RCW 43.101.200 and 2019 c 415 s 969 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as (~~otherwise~~) provided in (~~this chapter~~) RCW 43.101.170, the commission shall provide the aforementioned training (~~together with~~) and shall have the sole authority to do so. The commission shall provide necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the 2017-2019 and 2019-2021 fiscal biennia when the employing, county, city, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff and Jacobsen.

Ranking Minority Member; Dolan, Graham and Gregerson.

Referred to Committee on Appropriations.

March 23, 2021

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; Rude; Schmick and Steele.

SB 5184 Prime Sponsor, Senator Nobles: Establishing a building point of contact in all K-12 public schools for students in foster care. Reported by Committee on Education

Referred to Committee on Appropriations.

March 23, 2021

SB 5054 Prime Sponsor, Senator Padden: Concerning impaired driving. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

March 23, 2021

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham; Griffey; Hackney; Lovick; Orwall and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Davis, Ramos and Simmons.

SSB 5230 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Concerning agreements for allocation of groundwater resulting from bureau of reclamation project operations. Reported by Committee on Rural Development, Agriculture & Natural Resources

Referred to Committee on Appropriations.

March 22, 2021

SSB 5068 Prime Sponsor, Committee on Ways & Means: Improving maternal health outcomes by extending coverage during the postpartum period. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

March 23, 2021

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

March 31, 2021

SSB 5082 Prime Sponsor, Committee on Ways & Means: Reestablishing the productivity board. Reported by Committee on State Government & Tribal Relations

2SSB 5241 Prime Sponsor, Committee on Ways & Means: Promoting economic inclusion. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

Referred to Committee on Appropriations.

April 1, 2021

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant

SSB 5249 Prime Sponsor, Committee on Early Learning & K-12 Education: Supporting mastery-based learning. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

Referred to Committee on Appropriations.

April 1, 2021

2SSB 5331 Prime Sponsor, Committee on Ways & Means: Establishing an early childhood court program for young children and their families involved in Washington's child welfare system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

March 22, 2021

2SSB 5362 Prime Sponsor, Committee on Ways & Means: Ensuring the funding of agricultural fairs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature found in 1961 that it is in the public interest to hold agricultural fairs to train youth, to educate the public about the production of food and fiber, and to promote the welfare of farm people and rural living. The legislature finds that the fair fund was created for the purpose of encouraging agricultural fairs and training rural youth. The

legislature finds that despite the original expectations, the fair fund has not increased, and this lack of increased support has made it difficult to maintain youth programs. Research has shown that youth who participate in fairs are more likely to get better grades, attend college, and positively contribute to their families and communities.

(2) The legislature finds that fairs also contribute to economic vitality and cultural heritage by: (a) Providing an opportunity for small businesses to reach a larger customer base; (b) providing agricultural suppliers a platform to showcase new technology; (c) creating numerous seasonal jobs; (d) playing a vital role in fund-raising for nonprofit organizations; and (e) providing a venue for community and cultural events.

(3) The legislature further finds that events held on fairgrounds support both the cultural and economic development of rural communities. The legislature finds that connecting the fair fund to revenue generated on fairgrounds encourages fairs to work with local businesses to increase economic opportunity. Thirty-seven counties have a fair. Benton and Franklin counties share a fair. Mason county currently does not have a fair.

Sec. 2. RCW 15.76.115 and 2018 c 280 s 3 are each amended to read as follows:

(1) The fair fund is created in the custody of the state treasury.

(2) All moneys received by the department of agriculture for the purposes of this fund and from RCW 67.16.105 shall be deposited into the fund. Each fiscal year, the state treasurer shall transfer into the fair fund from the general fund (~~the sum of two million dollars~~) an amount appropriated in the omnibus operating appropriations act equal to:

(a) \$2,000,000 for fiscal year 2021;

(b) \$2,750,000 in each fiscal year 2022 and 2023;

(c) \$3,500,000 in each fiscal year 2024 and 2025; and

(d) \$4,000,000 in fiscal year 2026 and each fiscal year thereafter.

(e) To support inclusiveness at fair events, a portion of the additional funds provided to fairs as a result of this act must be prioritized to be spent on educational programs and outreach that

are reflective of the diversity within a fair's local population.

(3) Expenditures from the fund may be used only for assisting fairs in the manner provided in this chapter. Only the director of agriculture or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures."

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

April 1, 2021

2SSB 5368 Prime Sponsor, Committee on Ways & Means: Encouraging rural economic development. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Local Government.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 35A.14 RCW to read as follows:

(1) A code city as provided in RCW 35A.14.296(2) may collaborate with the county or counties where the code city is located to form an interlocal agreement regarding annexation of unincorporated territory within the urban growth area boundary. The interlocal agreement formation process must include procedures for public participation. The procedures must provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, and consideration of and response to public comments. The interlocal agreement may only be executed after notice of availability of the agreement is posted on the website of each legislative body for four weeks and

a public hearing by each legislative body, separately or jointly. This method of annexation shall be an alternative method and is additional to all other methods provided for in this chapter.

(2) An interlocal agreement under this section may include use of a sales tax credit for annexed areas should such a credit be reinstated by the legislature.

(3) The agreement or plan under this section must address the following:

(a) A balancing of annexations of commercial, industrial, and residential properties so that any potential loss or gain is considered and distributed fairly as determined by tax revenue;

(b) Development, ownership, and maintenance of infrastructure;

(c) The potential for revenue-sharing agreements.

(4) In addressing the items in subsection (3)(a) through (c) of this section, the parties must also address the balancing of factors and objectives for annexation review in RCW 36.93.170 and 36.93.180.

(5) By December 1, 2021, the association of Washington cities and the Washington state association of counties shall report to the legislature, in compliance with RCW 43.01.036, on how a sales tax credit may be utilized to encourage appropriate annexations and what limits should be associated with such a credit if reinstated.

Sec. 2. RCW 36.70A.330 and 1997 c 429 s 21 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(3)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter and with any compliance schedule established by the board in its final order. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the

petitioner and the state agency, county, or city. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board. The board shall issue any order necessary to make adjustments to the compliance schedule and set additional hearings as provided in subsection (5) of this section.

(3) If the board after a compliance hearing finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. ((The))

(a) The board may refer a finding of noncompliance to the department. The purpose of the referral is for the department to provide technical assistance to facilitate speedy resolution of the finding of noncompliance and to provide training pursuant to section 3 of this act as necessary.

(b) Alternatively, the board may recommend to the governor that the sanctions authorized by this chapter be imposed. The board shall take into consideration the county's or city's efforts to meet its compliance schedule in making the decision to recommend sanctions to the governor.

(4) In a compliance hearing upon petition of a party, the board shall also reconsider its final order and decide, if no determination of invalidity has been made, whether one now should be made under RCW 36.70A.302.

(5) The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW to read as follows:

(1) The department shall offer training to assist local governments in understanding findings of noncompliance from the growth management hearings board pursuant to RCW 36.70A.300 and 36.70A.330 and applying prior decisions of the board to ongoing planning efforts to avoid findings of noncompliance.

(2) The department may award grants to a public agency with appropriate expertise and funded by local governments

to provide the training required in subsection (1) of this section.

(3) The training provided in subsection (1) of this section is limited to counties that are largely rural.

Sec. 4. RCW 43.155.070 and 2017 3rd sp.s. c 10 s 9 are each amended to read as follows:

(1) To qualify for financial assistance under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, and except as provided in subsection (12) of this section, a county, city, or town planning under RCW 36.70A.040 may not receive financial assistance under this chapter unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving financial assistance under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 that has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 may apply for and receive financial assistance under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before executing a contractual agreement for financial assistance with the board.

(3) In considering awarding financial assistance for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW

36.70A.040, the board must consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4)(a) The board must develop a process to prioritize applications and funding of loans and grants for public works projects submitted by local governments. The board must consider, at a minimum and in any order, the following factors in prioritizing projects:

(i) Whether the project is critical in nature and would affect the health and safety of many people;

(ii) The extent to which the project leverages other funds;

(iii) The extent to which the project is ready to proceed to construction;

(iv) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(v) Whether the project promotes the sustainable use of resources and environmental quality, as applicable;

(vi) Whether the project consolidates or regionalizes systems;

(vii) Whether the project encourages economic development through mixed-use and mixed income development consistent with chapter 36.70A RCW;

(viii) Whether the system is being well-managed in the present and for long-term sustainability;

(ix) Achieving equitable distribution of funds by geography and population;

(x) The extent to which the project meets the following state policy objectives:

(A) Efficient use of state resources;

(B) Preservation and enhancement of health and safety;

(C) Abatement of pollution and protection of the environment;

(D) Creation of new, family-wage jobs, and avoidance of shifting existing jobs from one Washington state community to another;

(E) Fostering economic development consistent with chapter 36.70A RCW;

(F) Efficiency in delivery of goods and services and transportation; and

(G) Reduction of the overall cost of public infrastructure;

(xi) Whether the applicant sought or is seeking funding for the project from other sources; and

(xii) Other criteria that the board considers necessary to achieve the purposes of this chapter.

(b) Before September 1, 2018, and each year thereafter, the board must develop and submit a report regarding the construction loans and grants to the office of financial management and appropriate fiscal committees of the senate and house of representatives. The report must include:

(i) The total number of applications and amount of funding requested for public works projects;

(ii) A list and description of projects approved in the preceding fiscal year with project scores against the board's prioritization criteria;

(iii) The total amount of loan and grants disbursements made from the public works assistance account in the preceding fiscal year;

(iv) The total amount of loan repayments in the preceding fiscal year for outstanding loans from the public works assistance account;

(v) The total amount of loan repayments due for outstanding loans for each fiscal year over the following ten-year period; and

(vi) The total amount of funds obligated and timing of when the funds were obligated in the preceding fiscal year.

(c) The maximum amount of funding that the board may provide for any jurisdiction is ten million dollars per biennium.

(5) Existing debt or financial obligations of local governments may not be refinanced under this chapter. Each local government applicant must provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before September 1st of each year, the board must develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans and grants made under RCW 43.155.065 and 43.155.068.

(7) The board may not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds to the board for the purpose of funding public works projects under this chapter.

(8) To qualify for loans, grants, or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

(9) After January 1, 2010, any project designed to address the effects of stormwater or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(10) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the public works board must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its public works assistance account program loan or grant.

(11) The board must implement policies and procedures designed to maximize local government consideration of other funds to finance local infrastructure.

(12) The provisions in subsection (2) of this section do not apply to a county, city, or town applying for grants and loans under this chapter for projects that support broadband services where such grants and loans will assist the county, city, or town with economic development, disaster resiliency and response, adaptation to public health emergencies such as pandemics, and emergency management.

NEW SECTION. Sec. 5. A new section is added to chapter 43.160 RCW to read as follows:

The board is prohibited from considering whether a county, city, or town is compliant with chapter 36.70A RCW when considering applications for broadband funding.

NEW SECTION. Sec. 6. A new section is added to chapter 80.36 RCW to read as follows:

The commission is prohibited from considering whether a county, city, or town is compliant with chapter 36.70A RCW when considering applications for broadband funding.

NEW SECTION. Sec. 7. A new section is added to chapter 43.330 RCW to read as follows:

The department is prohibited from considering whether a county, city, or town is compliant with chapter 36.70A RCW when considering applications for broadband funding."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Appropriations.

March 22, 2021

SSB 5378

Prime Sponsor, Committee on Business, Financial Services & Trade: Concerning real estate brokers and managing brokers license renewal requirements. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Corry; Ryu and Santos.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

April 1, 2021

E2SSB 5395 Prime Sponsor, Committee on Ways & Means: Concerning use of state resources during periods where state employees are required to work from home. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on State Government & Tribal Relations.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that during the COVID-19 pandemic, state employees have incurred personal expenses and utilized their own resources serving the public. The state needs to provide state employees the tools necessary to serve the public while working from home.

NEW SECTION. Sec. 2. A new section is added to chapter 41.04 RCW to read as follows:

(1) When state employees are required to work from home or are allowed to work from home, agencies may provide or purchase office supplies, services, and other materials necessary for the employees to effectively perform their work.

(2)(a) Subject to appropriation, a state agency may reimburse a state employee for necessary additional expenditures incurred by the employee within the employee's scope of employment and directly related to services performed for the agency. As used in this section, "necessary expenditures" includes, but is not limited to:

(i) Desks, computer stands, computers, computer supplies, and chairs;

(ii) Upgraded internet service that is necessary for the employees to do their jobs, which may include reimbursement to the employees to support the increased costs of the service;

(iii) Equipment and services that assist employees with disabilities or special needs to conduct their jobs remotely; and

(iv) Other items or services determined by the head of the agency, based on guidance provided by the office of financial management except as provided in subsection (6) of this section, to be necessary for employees to perform their jobs.

(b) Following the process established by the agency, an employee shall submit a request for a reimbursement of any necessary additional expenditure with appropriate supporting documentation. An agency may provide additional time for submitting requests for reimbursement in a written expense reimbursement policy.

(c) An employee may be reimbursed for expenses incurred after April 1, 2020.

(d) An employee may not request a payment to cover the cost of purchasing equipment if the agency has made, or will make, the same type of equipment available to the employee.

(3) Except as provided under subsection (6) of this section, approval of purchases and reimbursements must be done within the policies and procedures established by the office of financial management.

(4) Use of materials and supplies when approved by the agency is not considered use of state resources for private gain.

(5) For the purpose of this section, "agency" or "state agency" means any branch, department, or unit of the state government, however designated or constituted. It is intended that the provisions of this section be followed uniformly.

(6) The director of the office of financial management shall adopt necessary policies and procedures to implement this section, including the percentage of time necessary for an employee working from home to qualify for coverage, qualifying guidelines for employee reimbursement, and establishment of thresholds for when equipment is required to be returned to the agency when an employee returns full-time to the office or leaves state service. Depreciation of items over time must be considered in developing the policies and procedures. Except for the legislative and judicial branches, all state agencies must use the policies and procedures established by the office of financial management. The legislative and judicial branches are encouraged to use the policies and procedures established by the office of financial management to create uniformity in the application of this section across all of state government.

NEW SECTION. Sec. 3. (1) During the COVID-19 emergency, state employees may use state internet resources outside

normal business hours for social gatherings to enable them to maintain communication and gather socially. Such activities may include, but not be limited to, sharing ideas and tips for working remotely, lunch time gatherings, guest speakers, and open microphone sessions. These activities must be done at no expense to the state and will be considered de minimis activities. Participation in such activities will not result in the payment of overtime or accrual of compensatory time.

(2) This section expires upon the termination of the state of emergency under proclamation 20-05 and any subsequent state of emergency issued pertaining to COVID-19 in accordance with RCW 43.06.210. The governor shall provide written notice of the termination date of the state of emergency under proclamation 20-05 and any subsequent state of emergency issued pertaining to COVID-19 to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the governor.

NEW SECTION. **Sec. 4.** (1) The office of financial management must establish and chair a remote working environment work group to review the issues related to working in a remote environment and prepare a report with recommendations for law and policy in order to more effectively allow state employees to work remotely.

(2) The work group must be composed of representatives of large, medium, and small-sized agencies, and labor organizations. The work group must include representatives of institutions of higher education.

(3) The work group must review issues including, but not limited to:

(a) Scheduling;

(b) The provision of equipment, supplies, and other services needed to perform the duties of employment;

(c) Ways to cover additional expenses incurred by employees for remote work;

(d) Ergonomic issues;

(e) Other potential areas of liability;

(f) Cybersecurity and privacy; and

(g) Ways to assist and facilitate state employees in their work.

(4) The work group must submit an initial report to the governor and appropriate committees of the legislature by November 1, 2021, and a final report by June 30, 2022.

(5) This section expires June 30, 2023."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Schmick.

Referred to Committee on Appropriations.

April 1, 2021

ESSB 5405 Prime Sponsor, Committee on Ways & Means: Instructing the joint legislative audit and review committee to perform racial equity analyses. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Appropriations.

March 23, 2021

ESSB 5452 Prime Sponsor, Committee on Transportation: Concerning electric-assisted bicycles. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The department of natural resources and the department of fish and wildlife shall each undergo a public process to collect information related to electric-assisted bicycle use on nonmotorized natural surface trails and closed roads open to bicycles to determine where such use may occur, and which classes of electric-assisted bicycles are acceptable on such trails and roads under the agencies' management. The public processes must also include a consideration of opportunities to improve awareness of applicable trail rules and trail etiquette among all classes of trail users.

(2) The public processes shall include, but not be limited to, input from tribes, individuals with disabilities, representatives of natural resource conservation organizations, and representatives of outdoor recreation interests representing horseback riding, traditional and electric-assisted mountain biking, hiking, and hunting. The department of natural resources and the department of fish and wildlife must report their findings to the appropriate committees of the legislature by September 30, 2022.

(3) Until June 30, 2023, or until legislation is enacted or rules are adopted related to the use of electric-assisted bicycles on nonmotorized natural surface trails and closed roads on lands managed by the department of natural resources and by the department of fish and wildlife, whichever is earlier, the department of natural resources and the department of fish and wildlife must allow persons who possess a current parking placard for persons with disabilities, issued by the department of transportation pursuant to RCW 46.19.030, to use class 1 and class 2 electric-assisted bicycles, as defined in RCW 46.04.169, on all nonmotorized natural surface trails and closed roads on which bicycles are allowed."

Correct the title.

Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth 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

SUBSTITUTE SENATE BILL NO. 5179, by Senate Committee on Health & Long Term Care (originally sponsored by Liias, Rivers, Das, Randall, Wilson and C.)

Concerning blood donation.

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 Bateman and Schmick 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. 5179.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5179, 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. 5179, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5198, by Senators Schoesler, Dozier, Honeyford, King, Short and Warnick

Easing ambulance restrictions in rural areas.

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 Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5198.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5198, 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. 5198, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5013, by Senate Committee on State Government & Elections (originally sponsored by Hunt, Kuderer, Wilson and C.)

Concerning local redistricting deadlines.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Relations was adopted. (For Committee amendment, see Journal, Day 66, March 17, 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 Valdez and Volz 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. 5013, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5013, 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. 5013, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5021, by Senators Hunt, Conway, Saldaña, Wilson and C.

Concerning the effect of expenditure reduction efforts on retirement benefits for public employees, including those participating in the shared work program.

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 Senn spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Duerr was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5021.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5021, and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, 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, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

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

Excused: Representative Duerr.

SENATE BILL NO. 5021, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5140, by Senate Committee on Health & Long Term Care (originally sponsored by Kuderer, Frockt, Conway, Das, Dhingra, Hasegawa, Hunt, Lovelett, Randall, Saldaña, Stanford, Wellman, Wilson and C.)

Protecting pregnancy and miscarriage-related patient care.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 67, March 18, 2021).

With the consent of the House, amendment (451) was withdrawn.

Representative Caldier moved the adoption of amendment (455) to the committee amendment:

On page 1, after line 11 of the striking amendment, insert the following:

"(4) "Complications of pregnancy" means health care services related to miscarriage management, treatment for ectopic pregnancies, and treatment for sepsis or infection related to a miscarriage or ectopic pregnancy."

On page 1, beginning on line 17 of the striking amendment, after "pregnancy" strike all material through "pregnancies," on line 19

On page 1, beginning on line 25 of the striking amendment, after "irreversible" strike all material through "part" on line 26 and insert ", severe disability"

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

Representative Macri spoke against the adoption of the amendment to the committee amendment.

Amendment (455) to the committee amendment was not adopted.

Representative Caldier moved the adoption of amendment (453) to the committee amendment:

On page 1, line 12 of the striking amendment, after "subsection" strike "(2)" and insert "(3)"

On page 1, line 27 of the striking amendment, after "(2)" insert "For pregnancies that have reached 20 weeks or greater of gestation, a health care provider providing health care services under this section must consider the unborn child a priority when providing health care services and must provide the patient with treatment options to preserve the life of the unborn child to the extent possible.

(3) "

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

Representative Caldier spoke in favor of the adoption of the amendment to the committee amendment.

Representative Bateman spoke against the adoption of the amendment to the committee amendment.

Amendment (453) to the committee amendment was not adopted.

Representative Caldier moved the adoption of amendment (452) to the committee amendment:

On page 2, beginning on line 4 of the striking amendment, after "(3)" strike all material through "section" on line 6 and insert "If a patient presents with complications of pregnancy that do not meet the thresholds listed in subsection (1) of this section and the health care entity does not provide health care services to the patient, the health care entity must refer the patient to an appropriate health care entity that is able to provide the patient the necessary care"

On page 2, beginning on line 7 of the striking amendment, strike all of section 3

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

Representative Caldier spoke in favor of the adoption of the amendment to the committee amendment.

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

Amendment (452) to the committee amendment was not adopted.

The committee 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 Macri, Shewmake and Harris-Talley spoke in favor of the passage of the bill.

Representatives Schmick, Caldier and Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5140, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5140, 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, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

SUBSTITUTE SENATE BILL NO. 5140, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5055, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Nguyen, Saldaña, Billig, Darneille, Das, Hunt, Keiser, Kuderer, Liias, Lovelett, Nobles, Stanford, Wilson and C.)

Concerning law enforcement personnel collective bargaining. Revised for 1st Substitute: Establishing a statewide roster for arbitrating law enforcement personnel disciplinary grievances and publishing their decisions.

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 Ramos 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 Substitute Senate Bill No. 5055.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5055, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, 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, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie and Mme. Speaker.

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

SUBSTITUTE SENATE BILL NO. 5055, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5058, by Senators Rolfes and Van De Wege

Making technical changes to certain natural resources-related accounts.

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 Gregerson and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5058.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5058, 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. 5058, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5229, by Senate Committee on Health & Long Term Care (originally sponsored by Randall, Das, Keiser, Lovelett, Nobles, Wilson, C., Dhingra, Hasegawa, Kuderer, Nguyen and Stanford)

Concerning health equity continuing education for health care professionals.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 67, March 18, 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 Stonier spoke in favor of the passage of the bill.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5229, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5229, 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, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5229, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5322, by Senators Robinson, Wilson and C.

Prohibiting dual enrollment between school employees' benefits board and public employees' benefits board programs.

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 Bergquist and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5322.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5322, 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. 5322, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5077, by Senators Dozier, Mullet, Brown, Das, Warnick, Wilson and C.

Providing authority to licensed companies to allow licensed mortgage loan originators to work from their residences without the company licensing the residence as a branch office of the company.

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 Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5077.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5077, 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. 5077, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5101, by Senators Stanford, Conway, Dhingra, Hasegawa, Hunt, Nguyen, Randall, Saldaña, Wagoner, Wilson and C.

Establishing tribal representation on the emergency management council.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Community & Economic Development was adopted. (For Committee amendment, see Journal Day 67, March 18, 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 Ryu and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5101, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5101, 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.

SENATE BILL NO. 5101, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5313, by Senate Committee on Ways & Means (originally sponsored by Liias, Randall, Darneille, Das, Dhingra, Frockt, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Pedersen, Robinson, Stanford, Van De Wege, Wilson and C.)

Concerning health insurance discrimination.

The bill was read the second time.

Representative Cody moved the adoption of striking amendment (456):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.60.178 and 2020 c 52 s 9 are each amended to read as follows:

(1) It is an unfair practice for any person whether acting for himself, herself, or another in connection with an insurance transaction or transaction with a health maintenance organization to cancel or fail or refuse to issue or renew insurance or a health maintenance agreement to any person because of sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with disabilities: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, (~~(e)~~) 48.46.370, or 48.43.0128 does not constitute an unfair practice for the purposes of this section. For the purposes of this section, "insurance transaction" is defined in RCW 48.01.060, health maintenance agreement is defined in RCW 48.46.020, and "health maintenance organization" is defined in RCW 48.46.020.

(2) The fact that such unfair practice may also be a violation of chapter 48.30, 48.43, 48.44, or 48.46 RCW does not constitute a defense to an action brought under this section.

(3) The insurance commissioner, under RCW 48.30.300 and 48.43.0128, and the human rights commission, under chapter 49.60 RCW, shall have concurrent jurisdiction under this section and shall enter into a working agreement as to procedure to be followed in complaints under this section.

Sec. 2. RCW 41.05.017 and 2019 c 427 s 21 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject

to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545, 48.43.550, 70.02.110, 70.02.900, 48.43.190, 48.43.083, 48.43.0128, and chapter 48.49 RCW.

Sec. 3. RCW 48.43.0128 and 2020 c 228 s 9 are each amended to read as follows:

(1) A health carrier offering a nongrandfathered health plan or a plan deemed by the commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular, full-time undergraduate student at an accredited higher education institution may not:

(a) In its benefit design or implementation of its benefit design, discriminate against individuals because of their age, expected length of life, present or predicted disability, degree of medical dependency, quality of life, or other health conditions; and

(b) With respect to the health plan or plan deemed by the commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular, full-time undergraduate student at an accredited higher education institution, discriminate on the basis of race, color, national origin, disability, age, sex, gender identity, or sexual orientation.

(2) Nothing in this section may be construed to prevent (~~(an issuer)~~) a carrier from appropriately utilizing reasonable medical management techniques.

(3) For health plans issued or renewed on or after January 1, 2022:

(a) A health carrier may not deny or limit coverage for gender affirming treatment when that treatment is prescribed to an individual because of, related to, or consistent with a person's gender expression or identity, as defined in RCW 49.60.040, is medically necessary, and is prescribed in accordance with accepted standards of care.

(b) A health carrier may not apply categorical cosmetic or blanket exclusions to gender affirming treatment. When prescribed as medically necessary gender affirming treatment, a health carrier may not exclude as

cosmetic services facial feminization surgeries and other facial gender affirming treatment, such as tracheal shaves, hair electrolysis, and other care such as mastectomies, breast reductions, breast implants, or any combination of gender affirming procedures, including revisions to prior treatment.

(c) A health carrier may not issue an adverse benefit determination denying or limiting access to gender affirming services, unless a health care provider with experience prescribing or delivering gender affirming treatment has reviewed and confirmed the appropriateness of the adverse benefit determination.

(d) Health carriers must comply with all network access rules and requirements established by the commissioner.

(4) For the purposes of this section, "gender affirming treatment" means a service or product that a health care provider, as defined in RCW 70.02.010, prescribes to an individual to treat any condition related to the individual's gender identity and is prescribed in accordance with generally accepted standards of care. Gender affirming treatment must be covered in a manner compliant with the federal mental health parity and addiction equity act of 2008 and the federal affordable care act. Gender affirming treatment can be prescribed to two spirit, transgender, nonbinary, intersex, and other gender diverse individuals.

(5) Nothing in this section may be construed to mandate coverage of a service that is not medically necessary.

(6) By December 1, 2022, the commissioner, in consultation with the health care authority and the department of health, must issue a report on geographic access to gender affirming treatment across the state. The report must include the number of gender affirming providers offering care in each county, the carriers and medicaid managed care organizations those providers have active contracts with, and the types of services provided by each provider in each region. The commissioner must update the report biannually and post the report on its website.

(7) The commissioner shall adopt any rules necessary to implement subsections (3), (4), and (5) of this section.

(8) Unless preempted by federal law, the commissioner shall adopt any rules necessary to implement subsections (1) and (2) of this section, consistent with federal rules and guidance in effect on January 1, 2017, implementing the patient protection and affordable care act.

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

(1) In the provision of gender affirming care services through programs under this chapter, the authority, managed care plans, and providers that administer or deliver such services may not discriminate in the delivery of a service provided through a program of the authority based on the covered person's gender identity or expression.

(2) Beginning January 1, 2022:

(a) The authority and any managed care plans delivering or administering services purchased or contracted for by the authority may not apply categorical cosmetic or blanket exclusions to gender affirming treatment.

(b) Facial feminization surgeries and facial gender affirming treatment, such as tracheal shaves, hair electrolysis, and other care such as mastectomies, breast reductions, breast implants, or any combination of gender affirming procedures, including revisions to prior treatment, when prescribed as gender affirming treatment, may not be excluded as cosmetic.

(c) The authority and managed care plans administering services purchased or contracted for by the authority may not issue an adverse benefit determination denying or limiting access to gender affirming treatment, unless a health care provider with experience prescribing or delivering gender affirming treatment has reviewed and confirmed the appropriateness of the adverse benefit determination.

(d) If the authority and managed care plans administering services purchased or contracted for by the authority do not have an adequate network for gender affirming treatment, they shall ensure the delivery of timely and geographically accessible medically necessary gender affirming treatment at no greater expense than if they had an in-network, geographically accessible provider available. This includes, but is not limited to, providing case management

services to secure out-of-network gender affirming treatment options that are available to the enrollee in a timely manner within their geographic region. The enrollee shall pay no more than the same cost sharing that the enrollee would pay for the same covered services received from an in-network provider.

(3) For the purposes of this section, "gender affirming treatment" means a service or product that a health care provider, as defined in RCW 70.02.010, prescribes to an individual to support and affirm the individual's gender identity. Gender affirming treatment includes, but is not limited to, treatment for gender dysphoria. Gender affirming treatment can be prescribed to two spirit, transgender, nonbinary, and other gender diverse individuals.

(4) Nothing in this section may be construed to mandate coverage of a service that is not medically necessary.

(5) The authority shall adopt rules necessary to implement this section.

NEW SECTION. **Sec. 5.** This act shall be known and cited as the Gender Affirming Treatment Act."

Correct the title.

Representative Caldier moved the adoption of amendment (458) to the striking amendment:

On page 2, line 37 of the striking amendment, after "to" strike "gender affirming treatment" and insert "cosmetic procedures if the procedures will improve the overall mental health of the enrollee"

On page 2, line 38 of the striking amendment, after "necessary" strike "gender affirming"

On page 2, line 39 of the striking amendment, after "facial" strike "feminization"

On page 3, line 1 of the striking amendment, after "facial" strike "gender affirming"

On page 3, line 3 of the striking amendment, after "of" strike "gender affirming"

On page 3, line 4 of the striking amendment, after "treatment" insert ", for an enrollee of any gender, if the treatment or services will improve the overall mental health of the enrollee"

On page 4, beginning on line 12 of the striking amendment, after "to" strike "gender affirming treatment" and insert "cosmetic procedures if the procedures will improve the overall mental health of the enrollee"

On page 4, line 14 of the striking amendment, after "(b) Facial" strike "feminization surgeries and facial gender affirming" and insert "surgeries and facial"

On page 4, line 17 of the striking amendment, after "of" strike "gender affirming"

On page 4, line 18 of the striking amendment, after "prescribed" strike "as gender affirming treatment" and insert "for an enrollee of any gender, if the treatment or services will improve the overall mental health of the enrollee"

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

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

Amendment (458) to the striking amendment was not adopted.

Representative Caldier moved the adoption of amendment (457) to the striking amendment:

On page 3, beginning on line 10 of the striking amendment, after "(d)" strike all material through "commissioner" on line 11 and insert "Insurance commissioner rules on network adequacy do not apply to any covered cosmetic service required under subsection (3) (b) of this section"

On page 4, beginning on line 26 of the striking amendment, after "(d)" strike all material through "provider" on line 37 and insert "Authority rules on network adequacy do not apply to any covered cosmetic service required under subsections (2) or (3) of this section"

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

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

Amendment (457) to the striking amendment was not adopted.

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

Striking amendment (456) 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 Macri and Bateman spoke in favor of the passage of the bill.

Representatives Rude, Jacobsen, Caldier and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5313, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5313, 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, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

SECOND SUBSTITUTE SENATE BILL NO. 5313, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5423, by Senate Committee on Health & Long Term Care (originally sponsored by Rivers, Cleveland and Holy)

Concerning telemedicine consultations.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal Day 61, March 12, 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 Schmick and Riccelli 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. 5423, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5423, 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. 5423, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5338, by Senators Wilson, L., Randall and Rivers

Concerning fire protection districts and education.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5338.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5338, 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. 5338, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., March 25, 2021, the 74th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTY FOURTH DAY

House Chamber, Olympia, Thursday, March 25, 2021

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

March 23, 2021

E2SSB 5022 Prime Sponsor, Committee on Ways & Means: Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and requiring recycled content in plastic beverage containers. (REVISED FOR ENGROSSED: Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and addressing plastic packaging.) Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS— INTENT. (1) The legislature finds that minimum recycled content requirements for plastic beverage containers, trash bags, and household cleaning and personal care product containers, bans on problematic and unnecessary plastic packaging, and standards for customer opt-in for food service packaging and accessories are among actions needed to improve the state's recycling system as well as reduce litter.

(2) By implementing a minimum recycled content requirement for plastic beverage containers, trash bags, and household cleaning and personal care product containers; prohibiting the sale and distribution of certain expanded polystyrene products; and establishing optional serviceware requirements as provided for in this chapter; the

legislature intends to take another step towards ensuring plastic packaging and other packaging materials are reduced, recycled, and reused.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Beverage" means beverages identified in (a) through (f) of this subsection, intended for human or animal consumption, and in a quantity more than or equal to two fluid ounces and less than or equal to one gallon:

(a) Water and flavored water;

(b) Beer or other malt beverages;

(c) Wine;

(d) Distilled spirits;

(e) Mineral water, soda water, and similar carbonated soft drinks; and

(f) Any beverage other than those specified in (a) through (e) of this subsection, except infant formula as defined in 21 U.S.C. Sec. 321(z), medical food as defined in 21 U.S.C. Sec. 360ee(b)(3), or fortified oral nutritional supplements used for persons who require supplemental or sole source nutritional needs due to special dietary needs directly related to cancer, chronic kidney disease, diabetes, or other medical conditions as determined by the department.

(2) "Beverage manufacturing industry" means an association that represents beverage producers.

(3) "Condiment packaging" means packaging used to deliver single-serving condiments to customers. Condiment packaging includes, but is not limited to, single-serving packaging for ketchup, mustard, relish, mayonnaise, hot sauce, coffee creamer, salad dressing, jelly, jam, and soy sauce.

(4) "Covered product" means an item in one of the following categories subject

to minimum postconsumer recycled content requirements:

(a) Plastic trash bags;

(b) Household cleaning and personal care products that use plastic household cleaning and personal care product containers; and

(c) Beverages that use plastic beverage containers.

(5) "Dairy milk" means a beverage that designates milk as the predominant (first) ingredient in the ingredient list on the container's label.

(6) "Department" means the department of ecology.

(7) "Expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

(8) "Food service business" means a business selling or providing food for consumption on or off the premises, and includes full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, home delivery services, delivery services provided through an online application, and business or institutional cafeterias.

(9) "Food service product" means a product intended for one-time use and used for food or drink offered for sale or use. Food service products include, but are not limited to, containers, plates, bowls, cups, lids, beverage containers, meat trays, deli rounds, utensils, sachets, straws, condiment packaging, clamshells and other hinged or lidded containers, wrap, and portion cups.

(10) "Household cleaning and personal care product" means any of the following:

(a) Laundry detergents, softeners, and stain removers;

(b) Household cleaning products;

(c) Liquid soap;

(d) Shampoo, conditioner, styling sprays and gels, and other hair care products; or

(e) Lotion, moisturizer, facial toner, and other skin care products.

(11) "Household cleaning and personal care product manufacturing industry" means an association that represents companies that manufacture household cleaning and personal care products.

(12) "Licensee" means a manufacturer or entity who licenses a brand and manufactures a covered product under that brand.

(13) "Oral nutritional supplement" means a manufactured liquid, powder capable of being reconstituted, or solid product that contains a combination of carbohydrates, proteins, fats, fiber, vitamins, and minerals intended to supplement a portion of a patient's nutrition intake.

(14) "Plastic beverage container" means a bottle or other rigid container that is capable of maintaining its shape when empty, comprised solely of one or multiple plastic resins designed to contain a beverage. Plastic beverage container does not include:

(a) Refillable beverage containers, such as containers that are sufficiently durable for multiple rotations of their original or similar purpose and are intended to function in a system of reuse;

(b) Rigid plastic containers or plastic bottles that are or are used for medical devices, medical products that are required to be sterile, nonprescription and prescription drugs, or dietary supplements as defined in RCW 82.08.0293;

(c) Bladders or pouches that contain wine; or

(d) Liners, caps, corks, closures, labels, and other items added externally or internally but otherwise separate from the structure of the bottle or container.

(15)(a) "Plastic household cleaning and personal care product container" means a bottle, jug, or other rigid container with a neck or mouth narrower than the base, and:

(i) A minimum capacity of eight fluid ounces or its equivalent volume;

(ii) A maximum capacity of five fluid gallons or its equivalent volume;

(iii) That is capable of maintaining its shape when empty;

(iv) Comprised solely of one or multiple plastic resins; and

(v) Containing a household cleaning or personal care product.

(b) "Plastic household cleaning and personal care product container" does not include:

(i) Refillable household cleaning and personal care product containers (i.e., containers that are sufficiently durable for multiple rotations of their original or similar purpose and are intended to function in a system of reuse); and

(ii) Rigid plastic containers or plastic bottles that are medical devices, medical products that are required to be sterile, and nonprescription and prescription drugs, dietary supplements as defined in RCW 82.08.0293, and packaging used for those products.

(16) "Plastic trash bag" means a bag that is made of noncompostable plastic, is at least 0.70 mils thick, and is designed and manufactured for use as a container to hold, store, or transport materials to be discarded or recycled, and includes, but is not limited to, a garbage bag, recycling bag, lawn or leaf bag, can liner bag, kitchen bag, or compactor bag. "Plastic trash bag" does not include any compostable bags meeting the requirements of chapter 70A.455 RCW.

(17) "Plastic trash bag manufacturing industry" means an association that represents companies that manufacture plastic trash bags.

(18) "Postconsumer recycled content" means the content of a covered product made of recycled materials derived specifically from recycled material generated by households or by commercial, industrial, and institutional facilities in their role as end users of a product that can no longer be used for its intended purpose. "Postconsumer recycled content" includes returns of material from the distribution chain.

(19) (a) "Producer" means the following person responsible for compliance with minimum postconsumer recycled content requirements under this chapter for a covered product sold, offered for sale, or distributed in or into this state:

(i) If the covered product is sold under the manufacturer's own brand or lacks identification of a brand, the producer is the person who manufactures the covered product;

(ii) If the covered product is manufactured by a person other than the brand owner, the producer is the person who is the licensee of a brand or trademark under which a covered product is sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state, unless the manufacturer or brand owner of the covered product has agreed to accept responsibility under this chapter; or

(iii) If there is no person described in (a)(i) and (ii) of this subsection within the United States, the producer is the person who imports the covered product into the United States to be sold, offered for sale, or distributed in or into this state.

(b) "Producer" does not include:

(i) Government agencies, municipalities, or other political subdivisions of the state;

(ii) Registered 501(c)(3) charitable organizations and 501(c)(4) social welfare organizations; or

(iii) De minimis producers that annually sell, offer for sale, distribute, or import in or into the country for sale in Washington:

(A) Less than one ton of a single category of plastic beverage containers, plastic household cleaning and personal care containers, or plastic trash bags each year; or

(B) A single category of a covered product that in aggregate generates less than \$1,000,000 each year in revenue.

(20) (a) "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer.

(b) "Retail establishment" includes, but is not limited to, food service businesses, grocery stores, department stores, hardware stores, home delivery services, pharmacies, liquor stores, restaurants, catering trucks, convenience stores, or other retail stores or vendors, including temporary

stores or vendors at farmers markets, street fairs, and festivals.

(21)(a) "Utensil" means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers.

(b) "Utensil" does not include plates, bowls, cups, and other products used to contain food or beverages.

NEW SECTION. Sec. 3. POSTCONSUMER RECYCLED CONTENT. (1)(a) Beginning January 1, 2023, producers that offer for sale, sell, or distribute in or into Washington:

(i) Beverages other than wine in 187 milliliter plastic beverage containers and dairy milk in plastic beverage containers must meet minimum postconsumer recycled content requirements established under subsection (4) of this section; and

(ii) Plastic trash bags must meet minimum postconsumer recycled content requirements established under subsection (6) of this section.

(b) Beginning January 1, 2025, producers that offer for sale, sell, or distribute in or into Washington household cleaning and personal care products in plastic household cleaning and personal care product containers must meet minimum postconsumer recycled content as required under subsection (5) of this section.

(c) Beginning January 1, 2028, producers that offer for sale, sell, or distribute in or into Washington wine in 187 milliliter plastic beverage containers or dairy milk in plastic beverage containers must meet minimum postconsumer recycled content as required under subsection (4) of this section.

(2)(a) On or before April 1, 2022, and annually thereafter, a producer that offers for sale, sells, or distributes in or into Washington covered products must register with the department individually or through a third-party representative registering on behalf of a group of producers.

(b) The registration information submitted to the department under this section must include a list of the producers and the brand names of the covered products represented in the

registration submittal. Beginning April 1, 2024, for plastic trash bags and plastic beverage containers other than dairy milk and wine in 187 milliliter plastic beverage containers, April 1, 2026, for plastic household and personal care product containers, and April 1, 2027, for wine in 187 milliliter plastic beverage containers and dairy milk, a producer may submit registration information at the same time as the information submitted through the annual reporting required under section 4 of this act.

(3)(a) By January 31, 2022, and every January 31st thereafter, the department must identify the annual costs it expects to incur to implement this section and sections 4 through 7 and 12 of this act in the next fiscal year for each category of covered products, including rule making, and submit invoices of costs to producers or their third-party representatives. The department must determine an annual payment by producers or their third-party representative for each category of covered products that is adequate to cover, but not exceed, the department's full costs to implement, administer, and enforce this chapter in the next fiscal year, including rule making, for that category of covered product. The department must equitably determine payment amounts for an individual producer and third-party representatives within each category of covered products.

(b) The department must:

(i) Apply any remaining annual payment funds from the current year to the annual payment for the coming year, if the collected annual payment exceeds the department's costs for a given year; and

(ii) Increase annual payments for the coming year to cover the department's costs, if the collected annual payment was less than the department's costs for a given year.

(c) By April 1, 2022, and every April 1st thereafter, producers or their third-party representative must submit a payment as determined by the department under (a) of this subsection.

(4) A producer of a beverage in a plastic beverage container must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of plastic beverage containers, by weight, that are sold, offered for sale, or distributed in

or into Washington by the producer effective:

(a) For beverages except dairy milk and wine in 187 milliliter plastic beverage containers:

(i) January 1, 2023, through December 31, 2025: No less than 15 percent postconsumer recycled content plastic by weight;

(ii) January 1, 2026, through December 31, 2030: No less than 25 percent postconsumer recycled content plastic by weight; and

(iii) On and after January 1, 2031: No less than 50 percent postconsumer recycled content plastic by weight.

(b) For wine in 187 milliliter plastic beverage containers and dairy milk:

(i) January 1, 2028, through December 31, 2030: No less than 15 percent postconsumer recycled content plastic by weight;

(ii) January 1, 2031, through December 31, 2035: No less than 25 percent postconsumer recycled content plastic by weight; and

(iii) On and after January 1, 2036: No less than 50 percent postconsumer recycled content plastic by weight.

(5) A producer of household cleaning and personal care products in plastic containers must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of plastic containers, by weight, that are sold, offered for sale, or distributed in or into Washington by the producer effective:

(a) January 1, 2025, through December 31, 2027: No less than 15 percent postconsumer recycled content plastic by weight;

(b) January 1, 2028, through December 31, 2030: No less than 25 percent postconsumer recycled content plastic by weight; and

(c) On and after January 1, 2031: No less than 50 percent postconsumer recycled content plastic by weight.

(6) A producer of plastic trash bags must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of plastic trash bags, by weight, that are sold, offered for sale, or distributed in

or into Washington by the producer effective:

(a) January 1, 2023, through December 31, 2024: No less than 10 percent postconsumer recycled content plastic by weight;

(b) January 1, 2025, through December 31, 2026: No less than 15 percent postconsumer recycled content plastic by weight; and

(c) On and after January 1, 2027: No less than 20 percent postconsumer recycled content plastic by weight.

(7) (a) Beginning January 1, 2025, the department may, on an annual basis, review and determine for the following year whether to adjust the minimum postconsumer recycled content percentage required for a type of container or product or category of covered products pursuant to subsection (4), (5), or (6) of this section. The department's review may be initiated by the department or at the petition of a producer or a producer manufacturing industry not more than once annually. In making a determination pursuant to this subsection, the department must consider, at a minimum, all of the following factors:

(i) Changes in market conditions, including supply and demand for postconsumer recycled content plastics, collection rates, and bale availability both domestically and globally;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements pursuant to subsection (4), (5), or (6) of this section, including the availability of high quality recycled plastic, and food-grade recycled plastic from recycling programs;

(iv) The capacity of recycling or processing infrastructure;

(v) The technical feasibility of achieving the minimum postconsumer recycled content requirements in covered products that are regulated under 21 C.F.R., chapter I, subchapter G, 7 U.S.C. Sec. 136, 15 U.S.C. Sec. 1471-1477, 49 C.F.R. Sec. 178.33b, 49 C.F.R. Sec. 173, 40 C.F.R. Sec. 152.10, 15 U.S.C. Sec. 1261-1278, 49 U.S.C. 5101 et seq., 49 C.F.R. Sec. 178.509, 49 C.F.R. Sec. 179.522, 49 C.F.R. Sec. 178.600-609, and other federal laws; and

(vi) The progress made by producers in achieving the goals of this section.

(b) Under (a) of this subsection:

(i) The department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages for the year under review required pursuant to subsection (4), (5), or (6) of this section.

(ii) For plastic household cleaning and personal care product containers, the department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages for the year under review required pursuant to subsection (5) of this section or below a minimum of 10 percent.

(iii) For plastic trash bags, the department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages for the year under review required pursuant to subsection (6) of this section or below the minimum percentage required in subsection (6)(a) of this section.

(c) The manufacturing industry for a covered product or a producer may appeal a decision by the department to adjust postconsumer recycled content percentages under (a) of this subsection to the pollution control hearings board within 30 days of the department's determination.

(8) A producer that does not achieve the postconsumer recycled content requirements established under this section is subject to penalties established in section 5 of this act.

(9)(a) A city, town, county, or municipal corporation may not implement local recycled content requirements for a covered product that is subject to minimum postconsumer recycled content requirements established in this section.

(b) A city, town, county, or municipal corporation may establish local purchasing requirements that include recycled content standards that exceed the minimum recycled content requirements established by this chapter for plastic household cleaning and personal care product containers or

plastic trash bags purchased by a city, town, or municipal corporation, or its contractor.

(10) The department may enter into contracts for the services required to implement this chapter and related duties of the department.

NEW SECTION. Sec. 4. PRODUCER REPORTING REQUIREMENTS. (1)(a) Except as provided in (b) and (c) of this subsection, beginning April 1, 2024, each producer of covered products, individually or through a third party representing a group of producers, must provide an annual report to the department that includes the amount in pounds of virgin plastic and the amount in pounds of postconsumer recycled content by resin type used for each category of covered products that are sold, offered for sale, or distributed in or into Washington state, including the total postconsumer recycled content resins as a percentage of total weight. The report must be submitted in a format and manner prescribed by the department. A manufacturer may submit national data allocated on a per capita basis for Washington to approximate the information required in this subsection if the producer demonstrates to the department that state level data are not available or feasible to generate.

(b) The requirements of (a) of this subsection apply to household cleaning and personal care products in plastic containers beginning April 1, 2026.

(c) The requirements of (a) of this subsection apply to wine in 187 milliliter plastic beverage containers and dairy milk in plastic containers beginning April 1, 2028.

(d) The department must post the information reported under this subsection on its website, except as provided in subsection (2) of this section.

(2) A producer that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director, or the appropriate division of the department. The director of the department must give consideration to the request and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A RCW, the director must

grant the request for the information to remain confidential as authorized in RCW 43.21A.160.

NEW SECTION. Sec. 5. PENALTIES FOR POSTCONSUMER RECYCLED CONTENT REQUIREMENTS. (1)(a) A producer that does not meet the minimum postconsumer recycled content requirements pursuant to section 3 of this act is subject to a penalty pursuant to this section. Beginning June 1st of the year following the first year that minimum postconsumer recycled product content requirements apply to a category of covered product, the penalty must be calculated consistent with subsection (2) of this section unless a penalty reduction or corrective action plan has been approved pursuant to subsection (3) of this section, and calculated in accordance with subsection (2) of this section.

(b) A producer that is assessed a penalty pursuant to this section may pay the penalty to the department in one payment, in quarterly installments, or arrange an alternative payment schedule subject to the approval of the department, not to exceed a 12-month payment plan unless an extension is needed due to unforeseen circumstances, such as a public health emergency, state of emergency, or natural disaster.

(2) Beginning June 1st of the year following the first year that minimum postconsumer recycled product content requirements apply to a category of covered product, and annually thereafter, the department shall determine the penalty for the previous calendar year based on the postconsumer recycled content requirement of the previous calendar year. The department shall calculate the amount of the penalty based upon the amounts in pounds in the aggregate of virgin plastic, postconsumer recycled content plastic, and any other plastic per category used by the producer to produce covered products sold or offered for sale in or into Washington state, in accordance with the following:

(a)(i) The annual penalty amount assessed to a producer must equal the product of both of the following: The total pounds of plastic used per category multiplied by the relevant minimum postconsumer recycled plastic target percentage, less the pounds of total plastic multiplied by the percent of postconsumer recycled plastic used; multiplied by 20 cents.

(ii) Example: [(Total pounds of plastic used x minimum postconsumer recycled plastic target percentage) - (Total pounds of plastic used x postconsumer recycled plastic percentage used)] x 20 cents.

(b) For the purposes of (a) of this subsection, both of the following apply:

(i) The total pounds of plastic used must equal the sum of the amount of virgin plastic, postconsumer recycled content plastic, and any other plastic used by the producer, as reported pursuant to section 4 of this act.

(ii) If the product calculated pursuant to (a) of this subsection is equal to or less than zero, a penalty may not be assessed.

(3)(a)(i) The department shall consider granting a reduction of penalties assessed pursuant to this section for the purpose of meeting the minimum postconsumer recycled content requirements required pursuant to section 3 of this act.

(ii) In determining whether to grant the reduction pursuant to (a)(i) of this subsection, the department shall consider, at a minimum, all of the following factors:

(A) Anomalous market conditions;

(B) Disruption in, or lack of supply of, recycled plastics; and

(C) Other factors that have prevented a producer from meeting the requirements.

(b) In lieu of or in addition to assessing a penalty under this section, the department may require a producer to submit a corrective action plan detailing how the producer plans to come into compliance with section 3 of this act.

(4) A producer shall pay the penalty assessed pursuant to this section, as applicable, based on the information reported to the department as required under section 4 of this act in the form and manner prescribed by the department.

(5) A producer may appeal the penalty assessed under this section to the pollution control hearings board within 30 days of assessment.

NEW SECTION. Sec. 6. PENALTIES FOR REGISTRATION, LABELING, AND REPORTING.

(1) For producers out of compliance with the registration, reporting, or labeling requirements of section 3, 4, or 7 of

this act, the department shall provide written notification and offer information to producers. For the purposes of this section, written notification serves as notice of the violation. The department must issue at least two notices of violation by certified mail prior to assessing a penalty.

(2) A producer in violation of the registration, reporting, or labeling requirements in section 3, 4, or 7 of this act is subject to a civil penalty for each day of violation in an amount not to exceed \$1,000.

(3) Penalties collected under this section must be deposited in the recycling enhancement account created in section 13 of this act.

(4) Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

NEW SECTION. Sec. 7. TRASH BAG LABELING REQUIREMENTS. (1) Beginning January 1, 2023, producers shall label each container of plastic trash bags sold, offered for sale, or distributed in or into Washington with:

(a) The name of the producer and the city, state, and country where the producer is located, which may be designated as the location of the producer's corporate headquarters; or

(b) A uniform resource locator or quick response code to an internet website that contains the information required pursuant to (a) of this subsection.

(2)(a) The provisions of subsection (1) of this section do not apply to a plastic bag that is designed and manufactured to hold, store, or transport dangerous waste or biomedical waste.

(b) For the purposes of this subsection:

(i) "Biomedical waste" means any waste defined as that term under RCW 70A.228.010; and

(ii) "Dangerous waste" means any waste defined as dangerous wastes under RCW 70A.300.010.

NEW SECTION. Sec. 8. A new section is added to chapter 39.26 RCW to read as follows:

POSTCONSUMER RECYCLED CONTENT IN PLASTIC TRASH BAGS—PURCHASING PRIORITY.

(1) Beginning July 1, 2024, all state agencies may only purchase plastic trash bags manufactured by producers that comply with the minimum recycled content requirements pursuant to section 3 of this act.

(2) By July 1, 2024, the department of ecology shall provide to the department a list of the plastic trash bag producer brands that comply with the minimum recycled content requirements pursuant to section 3 of this act, in order for state agencies to purchase compliant products, updated annually.

NEW SECTION. Sec. 9. (1)(a) By July 1, 2021, the departments of commerce and ecology shall jointly select an impartial, third-party facilitator to convene a stakeholder advisory committee housed within the recycling development center. The advisory committee shall make recommendations to the appropriate committees of the legislature on the development of mandatory postconsumer recycled content requirements for types of plastic packaging not subject to the minimum postconsumer recycled content requirements established in this act, but that are present in the municipal solid waste material stream or are regularly received by facilities that process recyclable materials from residential curbside recycling programs. The recommendations may include rates of mandatory postconsumer recycled content required by material type, target implementation dates, and potential exemptions or alternate compliance pathways for some materials.

(b) The facilitator must:

(i) Work with the recycling development center to subcontract for any relevant information regarding recycled plastic market conditions and barriers to the use of recycled content to the stakeholder advisory committee to aid in the development of recommendations, to the extent practicable;

(ii) Provide staff and support to the stakeholder advisory committee meetings; and

(iii) Draft reports and other materials for review by the stakeholder advisory committee.

(2) The facilitator identified in subsection (1) of this section must be selected based on the following criteria:

(a) Impartiality regarding policy outcomes;

(b) Professional qualifications, relevant experience, and degrees; and

(c) The facilitator must be an environmental conflict resolution specialist recognized by a national center for environmental conflict resolution.

(3) By December 1, 2021, the facilitator shall submit a report to the legislature containing the recommendations of the stakeholder advisory committee after review and approval by the facilitator and committee. The stakeholder advisory committee shall make recommendations using consensus-based decision making. The report must include recommendations where general stakeholder consensus has been achieved and note dissenting opinions where stakeholder consensus has not been achieved.

(4) The stakeholder advisory committee shall consider information and findings by a variety of authoritative bodies related to recycled content, including mechanical and advanced recycling technologies.

(5) The facilitator shall select at least one member to the stakeholder advisory committee from each of the following:

(a) The department of commerce;

(b) The department of ecology;

(c) The utilities and transportation commission;

(d) Cities, including both small and large cities and cities located in urban and rural counties;

(e) Counties, including both small and large counties and urban and rural counties;

(f) Municipal collectors;

(g) A representative from the private sector waste and recycling industry that owns or operates a curbside recycling program and a material recovery facility;

(h) A solid waste collection company regulated under chapter 81.77 RCW that provides curbside recycling services;

(i) A material recovery facility operator that processes municipal solid waste from curbside recycling programs;

(j) A company that provides curbside recycling service pursuant to a municipal contract under RCW 81.77.020;

(k) A trade association that represents the private sector solid waste industry;

(l) Recycled plastic feedstock users;

(m) A trade association representing the plastics recycling industry;

(n) A recycled content certification organization;

(o) An environmental justice organization;

(p) An environmental nonprofit organization;

(q) An environmental nonprofit organization that specializes in waste and recycling issues;

(r) Plastic converters/manufacturers of resins;

(s) A manufacturer of plastic packaging;

(t) A statewide general business trade association;

(u) Associations that represent consumer brand companies;

(v) Representatives of consumer brands;

(w) A consumer-oriented organization;

(x) Representatives of the state's most marginalized communities;

(y) A retailer or representative of the retail association;

(z) A representative of an advanced recycling technology provider that processes plastic material;

(aa) An association that represents cities;

(bb) An association that represents county solid waste managers;

(cc) A representative from a retail grocery association; and

(dd) A representative from a Washington headquartered online retailer.

(6) The definitions in section 2 of this act apply throughout this section

unless the context clearly requires otherwise.

(7) This section expires January 1, 2022.

NEW SECTION. Sec. 10. EXPANDED POLYSTYRENE PROHIBITIONS. (1) (a) Beginning June 1, 2024, the sale and distribution of the following expanded polystyrene products in or into Washington state is prohibited:

(i) A portable container that is designed or intended to be used for cold storage, except for expanded polystyrene containers used for drugs, medical devices, and biological materials as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or shipping perishable commodities from a wholesale or retail establishment; and

(ii) Food service products that include food containers, plates, clam shell-style containers, and hot and cold beverage cups. For the purposes of this subsection (1)(a)(ii), food service products do not include: Packaging for raw, uncooked, or butchered meat, fish, poultry, or seafood, vegetables, fruit, or egg cartons.

(b) Beginning June 1, 2023, the sale and distribution of void filling packaging products, which means loose fill packaging material, also referred to as packing peanuts, in or into Washington state is prohibited.

(2)(a) The department must provide technical assistance and guidance to manufacturers of prohibited expanded polystyrene products, as requested. For manufacturers out of compliance with the requirements of this section, the department shall provide written notification and offer information to manufacturers that sell prohibited expanded polystyrene products who are in violation of this section. For the purposes of this section, written notification serves as notice of the violation. The department must issue at least two notices of violation by certified mail prior to assessing a penalty.

(b) A manufacturer of products in violation of this section is subject to a civil penalty for each violation in an amount not to exceed:

(i) \$250 if it is the manufacturer's first penalty; and

(ii) \$1,000 if the manufacturer has previously been issued a civil penalty under this section.

(c) Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(d) Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(3) A city, town, county, or municipal corporation may not implement a local ordinance restricting products prohibited under subsection (1) of this section unless the ordinance was filed by April 1, 2021, and enacted by June 1, 2021. An ordinance restricting products specified under subsection (1) of this section that was not enacted as of June 1, 2021, is preempted by this section.

(4) For the purposes of this section, "manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that:

(a) Produces the products subject to restrictions in subsection (1) of this section; or

(b) Is an importer or domestic distributor of a product subject to restrictions in subsection (1) of this section sold or offered for sale in or into the state.

NEW SECTION. Sec. 11. OPTIONAL SERVICEWARE. (1) Beginning January 1, 2022:

(a) Except as provided in (b) of this subsection, a food service business may provide the following only after affirming that the customer wants the single-use food service product:

(i) Utensils;

(ii) Straws;

(iii) Condiment packaging; and

(iv) Beverage cup lids.

(b) A food service business may provide beverage cup lids without customer affirmation for:

(i) Hot beverages;

(ii) Beverages provided through delivery service or curbside pickup; and

(iii) Beverages served to customers via a drive-through or at large,

permanent, multistory, enclosed venues that are designed to hold professional sport or music events and that have a capacity of at least 5,000 customers.

(c) The requirements of this subsection do not apply to food service products provided to a patient, resident, or customer in:

(i) A health care facility or a health care provider as defined in RCW 70.02.010;

(ii) Long-term care facilities identified in RCW 18.51.010, 18.20.020, 70.128.010, 70.97.010, or 18.390.010;

(iii) Senior nutrition programs authorized under 45 C.F.R. Sec. 1321, and home delivered meals offered under chapters 74.39 and 74.39A RCW;

(iv) Services to individuals with developmental disabilities under Title 71A RCW and chapter 74.39A RCW; and

(v) State hospitals as defined in RCW 72.23.010.

(d) The requirements of this subsection (1) apply to the activities of the department of corrections and the department of children, youth, and families only to the extent operationally feasible and practicable.

(2) Nothing in this section prohibits a food service business from making utensils, straws, condiments, and beverage cup lids available to customers using cylinders, bins, dispensers, containers, or other means of allowing for single-use utensils, straws, condiments, and beverage cup lids to be obtained at the affirmative volition of the customer. Utensils provided by a food service business for use by customers may not be bundled or packaged in plastic in such a way that a customer is unable to take only the type of single-use utensil or utensils desired without also taking a different type or types of utensil.

(3)(a) The department may issue a civil penalty of no less than \$150 per day and no more than \$2,000 per day to the owner or operator of a food service business for each day single-use food service products are provided in violation of this section.

(b) The department must issue at least two notices of violation by certified mail prior to assessing a penalty.

(c) Penalties collected under this section must be deposited in the model

toxics control operating account created in RCW 70A.305.180.

(d) A food service business may appeal penalties assessed under this subsection to the pollution control hearings board within 30 days of assessment.

(4) All food service businesses are encouraged, but not required, to take actions in addition to the requirements of this section that support a goal of reducing the use of and waste generated by single-use food service products.

(5) Beginning July 1, 2021, a city, town, county, or municipal corporation may not enact an ordinance to reduce pollution from single-use food service products by requiring affirmation that a customer wants single-use food service products from the customer of the food service business or other retail establishment.

NEW SECTION. Sec. 12. DEPARTMENT DUTIES. (1) The department may conduct audits and investigations for the purpose of ensuring compliance with sections 3 and 5 of this act based on the information reported under section 4 of this act.

(2) The department shall annually publish a list of registered producers of covered products and associated brand names, their compliance status, and other information the department deems appropriate on the department's website.

(3) To assist with the requirements specified under sections 10 and 11 of this act, the department:

(a) Must prepare and post on its website information regarding the prohibitions on the sale and distribution of expanded polystyrene products as specified under section 10 of this act and optional serviceware under section 11 of this act;

(b) For education and outreach to help implement sections 10 and 11 of this act, may develop culturally appropriate and translated educational materials and resources for the state's diverse ethnic populations from existing materials used by local jurisdictions and other states.

(4) The department may adopt rules as necessary to administer, implement, and enforce this chapter.

NEW SECTION. Sec. 13. RECYCLING ENHANCEMENT ACCOUNT. The recycling enhancement account is created in the

custody of the state treasurer. All penalties collected by the department pursuant to sections 5 and 6 of this act must be deposited in the account. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used by the department only for providing grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

NEW SECTION. **Sec. 14.** RECYCLED CONTENT ACCOUNT. The recycled content account is created in the custody of the state treasurer. All receipts received by the department under section 3 of this act must be deposited in the account. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used by the department only for implementing, administering, and enforcing the requirements of sections 3 through 7 of this act.

NEW SECTION. **Sec. 15.** MARKET STUDY.
(1) Subject to the availability of amounts appropriated for this specific purpose prior to January 1, 2028, the department shall contract with a research university or an independent third-party consultant to study the plastic resin markets for all of the following:

(a) Analyzing market conditions and opportunities in the state's recycling industry for meeting the minimum postconsumer recycled content requirements for covered products pursuant to sections 3 and 4 of this act; and

(b) Determining the data needs and tracking opportunities to increase the transparency and support of a more effective, fact-based public understanding of the recycling industry.

(2) If funding is provided pursuant to subsection (1) of this section and the department undertakes the study, the study must be completed by May 1, 2029.

Sec. 16. RCW 43.21B.110 and 2020 c 138 s 11 and 2020 c 20 s 1035 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, sections 5, 6, 10, and 11 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, section 3 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan;

conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under section 3 of this act, to set recycled minimum postconsumer content for covered products.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 17. RCW 43.21B.300 and 2020 c 20 s 1038 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, sections 5, 6, 10, and 11 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within thirty days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority thirty days after the date of receipt by the person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

Sec. 18. RCW 70A.220.020 and 2020 c 20 s 1228 are each amended to read as follows:

~~((1) The provisions of this section and any rules adopted under this section shall be interpreted to conform with nationwide plastics industry standards.~~

~~(2))~~ Except as provided in RCW 70A.220.030(2), after January 1, 1992, no person may distribute, sell, or offer for sale in this state a plastic bottle or rigid plastic container unless the container is labeled with a code identifying the appropriate resin type used to produce the structure of the container. ~~((The code shall consist of a~~

~~number placed within three triangulated arrows and letters placed below the triangle of arrows. The triangulated arrows shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number.))~~ The numbers and letters used shall be as follows:

- (a) 1.= PETE (polyethylene terephthalate)
- (b) 2.= HDPE (high density polyethylene)
- (c) 3.= V (vinyl) or PVC (polyvinyl chloride)
- (d) 4.= LDPE (low density polyethylene)
- (e) 5.= PP (polypropylene)
- (f) 6.= PS (polystyrene)
- (g) 7.= OTHER

NEW SECTION. **Sec. 19.** Sections 2 through 7 and 9 through 15 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 20.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Appropriations.

March 24, 2021

SB 5063

Prime Sponsor, Senator Honeyford: Concerning the expiration date of the invasive species council. Reported by

Committee on Rural Development,
Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

March 24, 2021

SB 5145

Prime Sponsor, Senator Van De Wege:
Concerning the prevention of seabed mining of hard minerals. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

March 23, 2021

ESB 5158

Prime Sponsor, Senator Hawkins:
Concerning the utility wildland fire prevention advisory committee. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 76.04.780 and 2019 c 77 s 1 are each amended to read as follows:

(1) The commissioner shall convene a utility wildland fire prevention (~~task force~~) advisory committee with electrical power distribution utilities by ~~((July 1, 2019, and no less than quarterly thereafter until December 1, 2020))~~ August 1, 2021. The duties of the ~~((task force))~~ advisory committee are to advise the department on issues including, but not limited to:

(a) ~~((Developing, for consideration by the department and individual electric utilities, a model agreement for managing danger trees and other vegetation that pose a risk of wildland fire and associated utility liability due to the proximity to electrical transmission wires and other utility equipment;~~

~~(b) Developing communication protocols and educational exchanges between the department and electric utilities for identifying and addressing issues relating to utility infrastructure to reduce the risks of wildland fires;~~

~~(c) Developing protocols, including thresholds, for implementing the relevant provisions of RCW 76.04.015 when the department's investigation involves electric utility infrastructure or potential electric utility liability;~~

~~(d) Creating rosters of certified wildland fire investigation firms or persons and third party qualified utility operations personnel who may be called upon by the parties as appropriate; and~~

~~(e) Other issues brought forward by task force members.~~

~~(2) In consultation with the task force created in subsection (1) of this section, the department must:~~

~~(a) Make available the form of communication protocols and educational exchanges between the department and electric utilities;~~

~~(b) With the assistance of the task force, distribute a voluntary model danger tree management agreement to utilities for their consideration for execution with the department;~~

~~(c) Publish the protocols and thresholds described in subsection (1)(e) of this section;~~

~~(d) Issue a roster of third party certified wildland fire investigators and qualified utility personnel that may assist the department or utility in understanding and reducing risks and liabilities from wildland fire. The department must update the roster of third party certified wildland fire investigators and qualified utility personnel no less than every four years.~~

~~(3) The department must submit, in compliance with RCW 43.01.036, a preliminary report to the legislature by December 1, 2019, and a final report to the legislature by December 1, 2020, on the results of tasks identified in subsections (1) and (2) of this section and identification of legislation, if any, necessary to implement the recommendations of the task force))~~ Matters related to the ongoing implementation of the relevant recommendations of the electric utility

wildland fire prevention task force established in chapter 77, Laws of 2019, and by August 1, 2021:

(i) Finalizing a model agreement for managing danger trees and other vegetation adjacent to utility rights-of-way on state uplands managed by the department;

(ii) Implementing recommendations of the task force related to communications and information exchanges between the department and utilities;

(iii) Implementing recommendations of the task force related to protocols and thresholds when implementing provisions of RCW 76.04.015; and

(iv) Implementing recommendations of the task force related to creating rosters of certified wildland fire investigator firms or persons and qualified utility operations personnel who may be called upon as appropriate;

(b) Providing a forum for electric utilities, the department, and other fire suppression organizations of the state to identify and develop solutions to issues of wildfire prevention and risk mitigation specifically related to electric utilities transmission and distribution networks, identification of best management practices, electric utility infrastructure protection, and wildland fire suppression and response;

(c) Establishing joint public communications protocols among members of the advisory committee, and other entities, to inform residents of the state of potential critical fire weather events and the potential for power outages or disruptions;

(d) Providing comment to the wildland fire advisory committee established in RCW 76.04.179 through an annual presentation addressing policies and priorities of the utility wildland fire prevention advisory committee; and

(e) All other related issues deemed necessary by the commissioner.

(2) By August 1, 2021, the department must post on its website and update quarterly as necessary:

(a) Communication protocols and educational exchanges between the department and electric utilities;

(b) A voluntary model danger tree management agreement to utilities for

their consideration for execution with the department;

(c) Protocols and thresholds that may be utilized when the department's investigation involves electric utility infrastructure or potential electric utility liability; and

(d) A roster of third-party certified wildland fire investigators and qualified utility personnel that may assist the department or utility in understanding and reducing risks and liabilities from wildland fire.

(3) Beginning July 1, 2022, and at the beginning of each subsequent biennium thereafter, the department must submit, in compliance with RCW 43.01.036, a report describing the prior biennium proceedings of the advisory committee, including identification of recommended legislation, if any, necessary to prevent wildfires related to electric utilities.

(4) The commissioner or the commissioner's designee must chair the ((~~task force~~)) advisory committee created in subsection (1) of this section and must appoint ((~~task force~~)) advisory committee members. ((~~Task force~~)) Advisory committee membership should include:

(a) Entities providing retail electric service, including:

(i) One person representing each investor-owned utility;

(ii) Two persons representing municipal utilities;

(iii) Two persons representing public utility districts;

(iv) Two persons representing rural electric cooperatives;

(v) One person representing small forestland owners;

(vi) One person representing industrial forestland owners; ((~~and~~))

(b) Other persons with expertise in wildland fire risk reduction and prevention; and

(c) No more than two other persons designated by the commissioner.

(5) In addition to the advisory committee membership established in subsection (4) of this section, the commissioner shall designate two additional advisory committee members

representing historically marginalized or underrepresented communities.

(6) The commissioner or the commissioner's designee shall convene the initial meeting of the ~~((task force))~~ advisory committee.

~~((6+))~~ (7) The members of the advisory committee, or individuals acting on their behalf, are immune from civil liability for official acts performed in the course of their duties specifically related to the advisory committee.

(8) Participation on the ~~((task force))~~ advisory committee created in subsection (1) of this section is strictly voluntary and without compensation.

(9) Any requirements in this section are subject to the availability of amounts appropriated for the specific purposes described."

Correct the title.

Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Chandler, Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 24, 2021

SB 5159 Prime Sponsor, Senator Warnick: Concerning payments in lieu of real property taxes by the department of the fish and wildlife. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

March 23, 2021

ESSB 5180 Prime Sponsor, Committee on Law & Justice: Vacating certain convictions. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.030 and 2020 c 296 s 2, 2020 c 252 s 4, and 2020 c 137 s 1 are each reenacted and amended to read as follows:

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

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW

and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(~~(+3)~~) (4)(b) and 9.96.060(~~(+6)~~) (7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually

or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable

obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a

controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the

laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial

obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u) (i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1) (c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1) (c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but

whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the

offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or

older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, ~~((26.10,))~~ 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

- (a) (i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or
- (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a) (i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but

is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle

by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((56))~~ (59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((57))~~ (60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((58))~~ (61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 2. RCW 9.94A.640 and 2019 c 331 s 3 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.637 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of

guilty; and (c) by the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if:

(a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court;

(b) The offense was a violent offense as defined in RCW 9.94A.030 or crime against persons as defined in RCW 43.43.830, except the following offenses may be vacated if the conviction did not include a firearm, deadly weapon, or sexual motivation enhancement: (i) Assault in the second degree under RCW 9A.36.021; (ii) assault in the third degree under RCW 9A.36.031 when not committed against a law enforcement officer or peace officer; and (iii) robbery in the second degree under RCW 9A.56.210;

(c) The offense is a class B felony and the offender has been convicted of a new crime in this state, another state, or federal court in the ten years prior to the application for vacation;

(d) The offense is a class C felony and the offender has been convicted of a new crime in this state, another state, or federal court in the five years prior to the application for vacation;

(e) The offense is a class B felony and less than ten years have passed since the later of: (i) The applicant's release from community custody; (ii) the applicant's release from full and partial confinement; or (iii) the applicant's sentencing date;

(f) The offense was a class C felony, other than a class C felony described in RCW 46.61.502(6) or 46.61.504(6), and less than five years have passed since the later of: (i) The applicant's release from community custody; (ii) the applicant's release from full and partial confinement; or (iii) the applicant's sentencing date; or

(g) The offense was a felony described in RCW 46.61.502 or 46.61.504.

(3) If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, the victim or the prosecutor of the county in which the victim was sentenced may apply to the

sentencing court or the sentencing court's successor to vacate the victim's record of conviction for a class B or class C felony offense using the process in section 3 of this act. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice. A record of conviction vacated using the process in section 3 of this act is subject to subsection (4) of this section.

(4) (a) Except as otherwise provided, once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution, and nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040.

(b) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense occurring on or after July 28, 2019, and may be used to establish an ongoing pattern of abuse for purposes of RCW 9.94A.535.

NEW SECTION. Sec. 3. A new section is added to chapter 9.94A RCW to read as follows:

(1) (a) A victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030 may apply to the sentencing court or the sentencing court's successor to vacate

the victim's record of conviction for a class B or class C felony offense.

(b) The prosecutor of a county in which a victim of sex trafficking, prostitution, commercial sexual abuse of a minor; sexual assault; or domestic violence was sentenced for a class B or class C felony offense may exercise discretion to apply to the court on behalf of the state recommending that the court vacate the victim's record of conviction by submitting the information required in subsection (2) of this section. If the court finds the application meets the requirements of subsection (2) of this section, the court may decide whether to grant the application to vacate the record.

(2) In order to vacate a record of conviction for a class B or class C felony offense committed as a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; domestic violence; or sexual assault, the applicant must meet the following requirements:

(a) Provide an affidavit under penalty of perjury stating the specific facts and circumstances proving, by a preponderance of evidence, that the offense was committed as a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; domestic violence; or sexual assault;

(b) There are no criminal charges against the applicant pending in any court of this state or another state, or in any federal court for any offense other than prostitution;

(c) If the victim's offense is a class C felony, the offender has not been convicted of a new offense in this state, another state, or federal or tribal court in the five years prior to the vacation application;

(d) If the victim's offense is a class B felony, the offender has not been convicted of a new offense in this state, another state, or federal or tribal court in the 10 years prior to the vacation application;

(e) Provide proof that the crime victim penalty assessment, RCW 7.68.035, has been paid in full; and

(f) If applicable, restitution owed to any victim, excluding restitution owed to

any insurance provider under Title 48 RCW, has been paid in full.

(3) An applicant may not have a record of conviction for a class B or class C felony offense vacated if:

(a) The offense was a violent offense as defined in RCW 9.94A.030 or crime against persons as defined in RCW 43.43.830, except the following offenses may be vacated if the conviction did not include a firearm, deadly weapon, or sexual motivation enhancement: (i) Assault in the second degree under RCW 9A.36.021; (ii) assault in the third degree under RCW 9A.36.031 when not committed against a law enforcement officer or peace officer; and (iii) robbery in the second degree under RCW 9A.56.210;

(b) The offense was a felony described in RCW 46.61.502, 46.61.504, or 46.61.5055; or

(c) The offense was promoting prostitution in the first or second degree as described in RCW 9A.88.070 and 9A.88.080.

Sec. 4. RCW 9.96.060 and 2020 c 29 s 18 are each amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of this subsection, the court may in its discretion vacate the record of conviction. Except as provided in subsections (3), (4), and (5) of this section, an applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) The applicant has not completed all of the terms of the sentence for the offense;

(b) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

(c) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(d) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(e) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(f) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family or household member against another or by one intimate partner against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single

incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(g) For any offense other than those described in (f) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(h) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

(i) The applicant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) ~~((Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:~~

~~(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or~~

~~(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction. The limitation in this subsection (3) (b) does not apply to convictions where the offender proves by a preponderance of the evidence that he or she committed the crime as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.69A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., according to the requirements provided in RCW 9.96.070 for each respective conviction))~~ If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, or the prosecutor applies on behalf of the state, the sentencing court may vacate the record of conviction if the application satisfies the requirements of section 5 of this act. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice. A record of conviction vacated using the process in section 5 of this act is subject to subsections (6) and (7) of this section.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian

fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Schappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Every person convicted of a misdemeanor marijuana offense, who was twenty-one years of age or older at the time of the offense, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. A misdemeanor marijuana offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance. If an applicant qualifies under this subsection, the court shall vacate the record of conviction.

(6) A person who is a family member of a homicide victim may apply to the sentencing court on the behalf of the victim for vacation of the victim's record of conviction for prostitution under RCW 9A.88.030. If an applicant qualifies under this subsection, the court shall vacate the victim's record of conviction.

(7)(a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section

affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, (~~26.10.220~~), 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); or (ii) stalking (RCW 9A.46.110). A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

~~((+7))~~ (8) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

NEW SECTION. **Sec. 5.** A new section is added to chapter 9.96 RCW to read as follows:

(1)(a) A victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence, as defined in RCW 9.94A.030 may

apply to the sentencing court or the sentencing court's successor to vacate the applicant's record of conviction for the offense; or

(b) The prosecutor of a county or municipality in which a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence was sentenced for a misdemeanor or gross misdemeanor offense may exercise discretion to apply to the court on behalf of the state recommending that the court vacate the victim's record of conviction by submitting the information required in subsection (2) of this section. If the court finds the application meets the requirements of subsection (2) of this section, the court may decide whether to grant the application to vacate the record.

(2) In order to vacate a record of conviction for a gross misdemeanor or misdemeanor offense committed as a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, the applicant must meet the following requirements:

(a) Provide an affidavit, under penalty of perjury, stating the specific facts and circumstances proving, by a preponderance of evidence that the offense was committed as a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030;

(b) There are no criminal charges against the applicant pending in any court of this state or another state, or in any federal court for any crime other than prostitution;

(c) If the offense is a misdemeanor, the offender has not been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application;

(d) Except where the conviction to be vacated is for the crime of prostitution, prostitution loitering, or stay out of area of prostitution, provide proof that the crime victim penalty assessment, RCW 7.68.035, has been paid in full;

(e) If applicable, restitution owed to any victim, excluding restitution owed to any insurance provider under Title 48 RCW, has been paid in full.

(3) An applicant may not have a record of conviction for a gross misdemeanor or misdemeanor offense vacated if:

(a) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(b) The offense was a conviction as described in RCW 46.61.5055; or

(c) The offense was patronizing a prostitute as described in RCW 9A.88.110.

NEW SECTION. Sec. 6. RCW 9.96.070 (Vacating records of conviction—Prostitution offenses) and 2017 c 128 s 2 & 2014 c 109 s 2 are each repealed."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Davis; Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

MINORITY recommendation: Do not pass. Signed by Representative Klippert, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 23, 2021

2SSB 5183 Prime Sponsor, Committee on Ways & Means: Concerning victims of nonfatal strangulation. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that nonfatal strangulation is among the most dangerous acts of domestic violence and sexual assault. Strangulation involves external compression of the victim's airway and blood vessels, causing reduced air and blood flow to the brain. Victims may show no or minimal external signs of injury despite having life-threatening internal injuries including traumatic brain injury. Injuries may present after the assault or much later and may persist for months and even years postassault. Victims who are strangled multiple times face a greater risk of traumatic brain

injury. Traumatic brain injury symptoms are often not recognized as assault-related and may include cognitive difficulties such as decreased ability to concentrate, make decisions, and solve problems. Traumatic brain injury symptoms may also include behavior and personality changes such as irritability, impulsivity, and mood swings.

Domestic violence victims who have been nonfatally strangled are eight times more likely to become a subsequent victim of homicide at the hands of the same abusive partner. Research shows that previous acts of strangulation are a unique and substantial predictor of attempted and completed homicide against an intimate partner.

For years, forensic nurses in Washington have provided high-level care to sexual assault victims. Forensic nurses are also trained in medical evaluation of nonfatal strangulation, but only provide this evaluation in cases of sexual assault involving strangulation, as crime victims' compensation will not reimburse in nonsexual assault cases. Strangulation affects victims physically and psychologically. These victims deserve a higher standard of response and medical care. Allowing crime victims' compensation to reimburse for forensic nurse examinations for victims of domestic violence strangulation will provide a better, more victim-centered response in the most dangerous of domestic violence felony cases.

NEW SECTION. Sec. 2. A new section is added to chapter 43.280 RCW to read as follows:

(1) The office of crime victims advocacy shall develop best practices that local communities may use on a voluntary basis to create more access to forensic nurse examiners in cases of nonfatal strangulation assault including, but not limited to, partnerships to serve multiple facilities, mobile nurse examiner teams, and multidisciplinary teams to serve victims in local communities.

(a) When developing the best practices, the office of crime victims advocacy shall consult with:

(i) The Washington association of sheriffs and police chiefs;

(ii) The Washington association of prosecuting attorneys;

(iii) The Washington state coalition against domestic violence;

(iv) The Harborview abuse and trauma center;

(v) The Washington state hospital association;

(vi) The Washington state association of counties;

(vii) The association of Washington cities;

(viii) The Washington coalition of sexual assault programs;

(ix) The schools of nursing at Washington State University and the University of Washington;

(x) Collective bargaining representatives of frontline nurse examiners; and

(xi) Other organizations deemed appropriate by the office of crime victims advocacy.

(b) The office of crime victims advocacy shall complete the best practices no later than January 1, 2022, and publish them on its website.

(2) The office of crime victims advocacy shall develop strategies to make forensic nurse examiner training available to nurses in all regions of the state without requiring the nurses to travel unreasonable distances and without requiring medical facilities or the nurses to incur unreasonable expenses. Among other important factors deemed relevant and appropriate by the office of crime victims advocacy, the strategies should take into account the unique challenges faced by medical facilities and nurses operating in rural areas.

(a) When developing the strategies, the office of crime victims advocacy shall consult with:

(i) The Harborview abuse and trauma center;

(ii) The department of health;

(iii) The nursing care quality assurance commission;

(iv) The Washington state nurses association;

(v) The Washington state hospital association;

(vi) The schools of nursing at Washington State University and the University of Washington;

(vii) Forensic nurse practitioners; and

(viii) Other organizations deemed appropriate by the office of crime victims advocacy.

(b) The office of crime victims advocacy shall report the strategies to the governor and the appropriate committees of the legislature no later than October 1, 2022.

(3) This section expires June 30, 2023.

NEW SECTION. **Sec. 3.** A new section is added to chapter 7.68 RCW to read as follows:

(1) No costs incurred by a hospital or other emergency medical facility for the examination of the victim of domestic violence assault involving nonfatal strangulation, when such examination is performed for the purposes of gathering evidence for possible prosecution, shall be billed or charged directly or indirectly to the victim of such assault. Such costs shall be paid by the state pursuant to this chapter.

(2) The department must notify the office of financial management and the fiscal committees of the legislature if it projects that the cost of services provided under this section exceeds the amount of funding provided by the legislature solely for the purposes of this section.

(3) No later than October 1, 2022, the department shall report to the legislature the following information for fiscal year 2022:

(a) The number, type, and amount of claims received by victims of suspected nonfatal strangulation, with a subtotal of claims that also involved sexual assault;

(b) The number, type, and amount of claims paid for victims of suspected nonfatal strangulation, with a subtotal of claims that also involved sexual assault; and

(c) The number of police reports filed by victims of suspected nonfatal

strangulation who received services under this section.

(4) This section expires June 30, 2023."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

Referred to Committee on Appropriations.

March 24, 2021

2SSB 5195 Prime Sponsor, Committee on Ways & Means: Concerning opioid overdose reversal medication. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Macri; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member; Harris; Maycumber and Ybarra.

Referred to Committee on Appropriations.

March 23, 2021

SB 5202 Prime Sponsor, Senator Schoesler: Establishing school district depreciation subfunds for the purposes of preventative maintenance. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.320.330 and 2019 c 411 s 3 and 2019 c 410 s 3 are each reenacted and amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide the supplemental expenditure schedule under (c) of this subsection, and any other supplemental expenditure schedules required by the superintendent of public instruction or state auditor, for purposes of RCW 43.09.2856.

(c) Beginning in the 2019-20 school year, the superintendent of public instruction must require school districts to provide a supplemental expenditure schedule by revenue source that identifies the amount expended by object for each of the following supplementary enrichment activities beyond the state funded amount:

(i) Minimum instructional offerings under RCW 28A.150.220 or 28A.150.260 not otherwise included on other lines;

(ii) Staffing ratios or program components under RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components under RCW 28A.150.200, 28A.150.220, or 28A.150.260, not otherwise included on other lines;

(iv) Program components to support students in the program of special education;

(v) Program components of professional learning, as defined by RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

(vi) Extracurricular activities;

(vii) Extended school days or an extended school year;

(viii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(ix) Activities associated with early learning programs;

(x) Activities associated with providing the student transportation program;

(xi) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under RCW 28A.150.276;

(xii) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under RCW 28A.150.276; and

(xiii) All other costs not otherwise identified in other line items.

(d) For any salary and related benefit costs identified in (c)(xi), (xii), and (xiii) of this subsection, the school district shall maintain a record describing how these expenditures are documented and demonstrated enrichment of the state's statutory program of basic education. School districts shall maintain these records until the state auditor has completed the audit under RCW 43.09.2856.

(e) A depreciation subfund of its general fund for the school district to reserve moneys for future facility and equipment needs, including preventative maintenance and emergency facility needs. Up to two percent of a school district's general fund may be deposited each fiscal year into the depreciation subfund. The preventative maintenance must be necessary to realize the originally anticipated useful life of a building or facility and includes: Exterior painting of facilities; replacement or renovation of roofing, exterior walls, windows, heating, air conditioning and ventilation systems, floor coverings in classrooms and common areas, and electrical and plumbing systems; and renovation of playfields, athletic facilities, and other school district real property. School

districts, subject to applicable public works bid limits, may use school district employees to perform preventative maintenance with moneys from the depreciation subfund, but moneys from the depreciation subfund may not be used for employee compensation that is unrelated to this subsection (1)(e).

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f) (i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2) (f) (ii), the school

district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2) (g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(h) During the 2019-2021 fiscal biennium, renovation and replacement of facilities and systems, purchase or installation of items of equipment and furniture, including maintenance vehicles and machinery, and other preventative maintenance or infrastructure improvement purposes.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bergquist; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Berg and Callan.

Referred to Committee on Rules for second reading.

March 24, 2021

ESSB 5203 Prime Sponsor, Committee on Health & Long Term Care: Producing, distributing, and purchasing generic prescription drugs. (REVISED FOR ENGROSSED: Producing, distributing, and purchasing generic prescription drugs and distribution or purchase of insulin.) Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.14 RCW to read as follows:

(1)(a) The authority may enter into partnership agreements with another state, a group of states, a state agency, a nonprofit organization, or any other entity to produce, distribute, or purchase generic prescription drugs and distribute and purchase insulin. Partnership agreements with governmental entities are exempt from competitive solicitation requirements in accordance with RCW 39.26.125(10). However, the authority must comply with state procurement laws related to competitive procurement when purchasing or entering into purchasing agreements with nongovernmental entities.

(b) The generic prescription drugs and insulin must be produced or distributed by a drug company or generic drug manufacturer that is registered with the United States food and drug administration.

(2) The authority shall only enter into partnerships, in consultation with other state agencies as necessary, to produce, distribute, or purchase a generic prescription drug or insulin at a price that results in savings to public and private purchasers and consumers.

(3) For generic prescription drugs and insulin that the authority has entered into a partnership under this section:

(a) State purchased health care programs must purchase the generic

prescription drugs and insulin through the partnership, unless the state purchased health care program can obtain the generic prescription drug or insulin at a cost savings through another purchasing mechanism; and

(b) Local governments, private entities, health carriers, and others may choose to voluntarily purchase the generic prescription drugs and insulin from the authority as available quantities allow.

(4) All information and documents obtained or created under this section is exempt from disclosure under chapter 42.56 RCW.

(5) For purposes of this section, the following definitions apply:

(a) "Authority" means the health care authority.

(b) "Eligible prescription drug" means a prescription drug or biological product, as defined in 42 U.S.C. Sec. 262(i), that is not under patent.

(c) "Generic drug" means a drug that is approved pursuant to an application referencing an eligible prescription drug that is submitted under section 505(j) of the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.), or section 351(k) of the federal public health service act (42 U.S.C. Sec. 262).

(d) "Purchase" means the acquisition of generic drugs and insulin. "Purchase" includes, but is not limited to, entering into contracts with manufacturers on behalf of those dispensing drugs and other innovative purchasing strategies to help increase access for Washington citizens to the best price available for insulin and generic prescription drugs. This subsection should be interpreted broadly to provide the authority flexibility in how it procures generic drugs and insulin in order to obtain the best price.

(e) "State purchased health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, department of health, state health care authority, department of labor and industries, department of corrections, and department of veterans affairs. State purchased health care does not include prescription drugs purchased

for medical assistance program clients under chapter 74.09 RCW.

Sec. 2. RCW 70.14.060 and 2020 c 346 s 4 are each amended to read as follows:

(1) (a) The ~~((administrator~~ ~~[director]))~~ director of the state health care authority shall, directly or by contract, adopt policies necessary for establishment of a prescription drug purchasing consortium. The consortium's purchasing activities shall be based upon the evidence-based prescription drug program established under RCW 70.14.050. ~~((State))~~ Except as provided in section 1 of this act or exempted under (b) of this subsection, state purchased health care programs as defined in RCW 41.05.011 shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of pharmacies ((, unless exempted under (b) of this subsection)). The ~~((administrator~~ ~~[director]))~~ director shall not require any supplemental rebate offered to the health care authority by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to any other state purchased health care program, or to any other individuals or entities participating in the consortium. The ~~((administrator~~ ~~[director]))~~ director shall explore joint purchasing opportunities with other states.

(b) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the ~~((administrator~~ ~~[director]))~~ director of the state health care authority that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.

(2) Participation in the purchasing consortium shall be offered as an option beginning January 1, 2006. Participation in the consortium is purely voluntary for units of local government, private entities, labor organizations, health carriers as provided in RCW 48.43.005, state purchased health care services from or through health carriers as provided in RCW 48.43.005, and for individuals who lack or are underinsured for prescription drug coverage. The ~~((administrator~~ ~~[director]))~~

~~[director]))~~ director may set reasonable fees, including enrollment fees, to cover administrative costs attributable to participation in the prescription drug consortium.

(3) The state health care authority is authorized to adopt rules implementing chapter 129, Laws of 2005.

NEW SECTION. **Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

March 23, 2021

2SSB 5214 Prime Sponsor, Committee on Ways & Means: Concerning economic assistance programs. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.08A.010 and 2020 c 320 s 1 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the

household or married to the head of the household.

(3) The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.

(4) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

(5)(a) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

(i) By reason of hardship, including when (~~the~~):

(A) The recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020; or

(B) The recipient received temporary assistance for needy families during a month on or after March 1, 2020, when Washington state's unemployment rate as published by the Washington employment security department was equal to or greater than seven percent, and the recipient is otherwise eligible for temporary assistance for needy families except that they have exceeded 60 months. The extension provided for under this subsection (5)(a)(i)(B) is equal to the number of months that the recipient received temporary assistance for needy families during a month after March 1, 2020, when the unemployment rate was equal to or greater than seven percent, and is applied sequentially to any other hardship extensions that may apply under this subsection (5) or in rule; or

(ii) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA

of the federal social security act as amended by P.L. 104-193.

(b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.

(6) The department shall not exempt a recipient and his or her family from the application of subsection (1) or (3) of this section until after the recipient has received fifty-two months of assistance under this chapter.

(7) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

NEW SECTION. Sec. 2. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 3. This act applies prospectively and retroactively beginning March 1, 2020."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier, Ranking Minority Member.

Referred to Committee on Appropriations.

March 24, 2021

SSB 5258

Prime Sponsor, Committee on Ways & Means: Concerning consumer directed

employers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 23, 2021

E2SSB 5259 Prime Sponsor, Committee on Ways & Means: Concerning law enforcement data collection. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that law enforcement transparency and accountability are vital in maintaining public trust. Data collection is one essential tool to allow the public, law enforcement, and policymakers to analyze the effectiveness of existing police practices, determine which policies and training work and do not work, and avoid unintended consequences by supporting policy decisions with clear and relevant data.

The legislature finds that creating a statewide data collection program that creates a publicly accessible database to track metrics will help to promote openness, transparency, and accountability, build stronger police-community relations, improve trust and confidence in policing services, evaluate specific areas of concern such as biased policing and excessive force, and ultimately improve the quality of policing services.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Contractor" means the institution of higher education contracted with the

office of the attorney general to implement the statewide use of force data program as provided in this chapter.

(2) "Great bodily harm" has the same meaning as in RCW 9A.04.110.

(3) "Institution of higher education" has the same meaning as in RCW 28B.92.030.

(4) "Law enforcement agency" or "agency" means any general authority Washington law enforcement agency and limited authority Washington law enforcement agency as those terms are defined in RCW 10.93.020.

(5) "Substantial bodily harm" has the same meaning as in RCW 9A.04.110.

NEW SECTION. Sec. 3. (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the attorney general's office shall establish an advisory group to assist with the office's design, development, and implementation of a statewide use of force data program. Members are appointed by the attorney general's office and must consist of:

(i) At least three representatives from local nongovernmental organizations or advocacy groups that have a focus on or expertise in the use and role of data as it relates to interactions between law enforcement and the community;

(ii) At least three representatives from law enforcement agencies or organizations representing the interests of law enforcement in interacting and utilizing this data; and

(iii) At least one representative from the private sector or the public sector with experience in data collection programs, preferably law enforcement data collection.

(b) To ensure the advisory group has diverse and inclusive representation of those affected by its work, advisory group members whose participation in the advisory group may be hampered by financial hardship may apply for a stipend in an amount not to exceed \$100 for each day during which the member attends an official meeting of the advisory group or performs prescribed duties approved by the attorney general's office.

(2) By April 1, 2022, the advisory group shall submit to the attorney

general its recommendations on the following elements:

(a) How to prioritize the implementation of the reporting, collection, and publication of the use of force data reports required in section 4(2) of this act;

(b) Additional incidents and data to be collected from law enforcement agencies on interactions between officers and the public, such as traffic stops, pedestrian stops, calls for services, arrests, vehicle pursuits, and disciplinary actions, as well as demographic information including race, ethnicity, and gender of a crime victim or victims. This recommendation should consider phased implementation, if necessary, based on current practices and available data as compared to additional practices and new data that would need to be implemented by law enforcement agencies;

(c) Recommend practices for law enforcement agencies to collect and report data to the contractor. To the greatest extent feasible, the reporting mechanisms for the program must include the opportunity for law enforcement agencies to submit the required data elements through incident reports or any other electronic means. The advisory group may also work to develop a standardized incident report that meets the data and reporting requirements of the statewide use of force data program for voluntary use by law enforcement agencies;

(d) Recommend practices for the public to report relevant information to the contractor directly, or its successor, including correcting misreported and otherwise incorrect data;

(e) Recommend practices for public, law enforcement, and academic access and use of program data that must include, at a minimum:

(i) Public access to deidentified raw and/or refined incident based data using an established open data standard, available online at no cost in a downloadable, machine-readable, nonproprietary format, redacted only as necessary to comply with the public records act (chapter 42.56 RCW) and the Washington state criminal records privacy act (chapter 10.97 RCW);

(ii) Publicly accessible online data dashboards that summarize and analyze the

data, excluding personally identifiable information;

(iii) Interactive data visualization tools designed for law enforcement agencies and other entities to use the data for research, professional development, training, and management;

(iv) The ability to extract data from incident reports, or other electronic means, and officer narratives in order to standardize data across multiple agencies;

(v) Ensure protection and removal of all personally identifiable information of officers, subjects, and victims in any data or analyses that are publicly released; and

(vi) Semiannual reports, summarizing the data collected and any related analysis, published on the website and submitted to the legislature and governor by June 1st and December 1st of each year;

(f) Recommend practices for quality improvement, including periodically obtaining input from stakeholders about how the program can better meet the needs of the public and law enforcement;

(g) Recommend practices in the following areas:

(i) Analytical dashboards with individual officer details for use by law enforcement agencies as a risk management tool;

(ii) Agency level comparative dashboards for all law enforcement agencies in the state;

(iii) Incorporating available historical data to identify long-term trends and patterns; and

(iv) Analysis of data, using methodologies based in best practices or tested and validated in other jurisdictions, if possible, including, but not limited to, analysis of the data using legal algorithms based on available and applicable legal standards.

(3)(a) The office of the attorney general shall review the recommendations of the advisory group and approve or reject, in whole or in part, the recommendations. In reviewing the program recommendations, the office of the attorney general shall consider:

(i) Available funding to achieve the recommendations;

(ii) Prioritizing the implementation of the reporting, collection, and publication of the use of force data reports in section 4(2) of this act;

(iii) The interests of the public in accessing information in a transparent and expedient manner. In considering the interests of the public, the advisory board shall accept and consider comments from impacted family members or their designees;

(iv) The institutional operations and demands of law enforcement agencies through input and comments from the criminal justice training center and local law enforcement agencies.

(b) For any recommendation that was rejected, in part or in full, the advisory group may submit revised recommendations for consideration by the office of the attorney general in accordance with any deadlines established by the office. The office of the attorney general may also approve recommendations subject to the legislature appropriating the funding necessary for their implementation.

(c) The office of the attorney general may not approve any recommendation that requires any law enforcement agency to disclose information that would jeopardize an active criminal investigation, confidential informant, or intelligence information.

(4) The approved recommendations and the requirements contained in section 4 of this act constitute the statewide use of force data program.

(5) This section expires January 1, 2023.

NEW SECTION. Sec. 4. (1) Each law enforcement agency in the state is required to report each incident where a law enforcement officer employed by the agency used force and:

(a) A fatality occurred in connection with the use of force;

(b) Great bodily harm occurred in connection with the use of force;

(c) Substantial bodily harm occurred in connection with the use of force; or

(d) A law enforcement officer:

(i) Discharged a firearm at or in the direction of a person;

(ii) Pointed a firearm at a person;

(iii) Used a chokehold or vascular neck restraint;

(iv) Used an electronic control weapon including, but not limited to, a taser, against a person;

(v) Used oleoresin capsicum spray against a person;

(vi) Discharged a less lethal shotgun or other impact munitions at or in the direction of a person;

(vii) Struck a person using an impact weapon or instrument including, but not limited to, a club, baton, or flashlight;

(viii) Used any part of their body to physically strike a person including, but not limited to, punching, kicking, slapping, or using closed fists or feet;

(ix) Used a vehicle to intentionally strike a person or vehicle; or

(x) Deployed a canine by releasing it from the physical control of the law enforcement officer or had under the law enforcement officer's control a canine that bites a person.

(2) Each report required in subsection (1) of this section must include the following information:

(a) The date and time of the incident;

(b) The location of the incident;

(c) The agency or agencies employing the law enforcement officers;

(d) The type of force used by the law enforcement officer;

(e) The type of injury to the person against whom force was used, if any;

(f) The type of injury to the law enforcement officer, if any;

(g) Whether the person against whom force was used was armed or unarmed;

(h) Whether the person against whom force was used was believed to be armed;

(i) The type of weapon the person against whom force was used was armed with, if any;

(j) The age, gender, race, and ethnicity of the person against whom force was used, if known;

(k) The tribal affiliation of the person against whom force was used, if applicable and known;

(l) Whether the person against whom force was used exhibited any signs associated with a potential mental health condition or use of a controlled substance or alcohol based on the observation of the law enforcement officer;

(m) The name, age, gender, race, and ethnicity of the law enforcement officer;

(n) The law enforcement officer's years of service;

(o) The reason for the initial contact between the person against whom force was used and the law enforcement officer;

(p) Whether any minors were present at the scene of the incident, if known;

(q) The entity conducting the independent investigation of the incident, if applicable;

(r) Whether dashboard or body worn camera footage was recorded for an incident;

(s) The number of officers who were present when force was used; and

(t) The number of suspects who were present when force was used.

(3) Each law enforcement agency must also report any additional incidents and data required by the statewide use of force data program developed in section 3 of this act.

(4) All law enforcement agencies shall submit the reports required by this section in accordance with the requirements of the statewide use of force data program no later than three months after the office of the attorney general determines that the system procured in section 5 of this act can accept law enforcement agency reports. Reports must be made in the format and time frame established in the statewide use of force data program.

(5) Notwithstanding any other provision of this act, except as otherwise mutually agreed to between the contractor and the law enforcement agency, a law enforcement agency has satisfied its reporting obligations pursuant to this act by submitting relevant information to the contractor. Nothing in this section prohibits the contractor from contacting the law enforcement agency to seek additional information or clarification of relevant data.

NEW SECTION. **Sec. 5.** (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the attorney general must engage in a competitive procurement to contract with an institution of higher education to implement the statewide use of force data program. The primary purpose of the contract is to develop a system for law enforcement agencies to report, collect, and publish the use of force data reports required in section 4 of this act.

(2) The request for proposal or other procurement method should encourage collaboration with other public and private institutions, businesses, and organizations with significant expertise and experience in collecting, tracking, and reporting data on law enforcement interactions with the public.

(3) Members and representatives of entities participating in the advisory group established in section 3 of this act may not participate or bid in the competitive procurement.

(4) The advisory group, or designated members of the group, may participate in the procurement process through the development of the request for proposal and the review and evaluation of responsive bidders.

(5) The contract must require the successful bidder to provide appropriate training to its staff and subcontractor staff, including training on racial equity issues.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 10 RCW."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Lovick; Orwall; Ramos; Simmons and Young.

Referred to Committee on Appropriations.

March 23, 2021

ESSB 5268

Prime Sponsor, Committee on Health & Long Term Care: Transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community residential settings and redesigning the long-term nature of intermediate care facilities.

Reported by Committee on Housing,
Human Services & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Part 1: Increase the Capabilities of Community Residential Settings and Services"

NEW SECTION. **Sec. 1.** (1) The legislature finds that the recommendations in the December 2019 report, "Rethinking Intellectual and Developmental Disability Policy to Empower Clients, Develop Providers, and Improve Services" and recommendations in the 2021 preliminary report of the joint executive and legislative task force established in chapter 317, Laws of 2020 are the product of deliberations among a diverse and dedicated group of stakeholders and are critical to advancing the continuum of care for individuals with developmental disabilities.

(2) The legislature intends to continue efforts to expand community residential settings and supports with the goals of reducing the risk of federal divestment from Washington's intermediate care facilities and delivering appropriate care to clients of the developmental disabilities administration. To that end, the legislature finds that a reliable network of community providers is critical to meeting these goals and that community residential rates must be established at appropriate levels to ensure that individuals with intellectual and developmental disabilities have community residential options that appropriately address their needs and ensure stable, permanent outcomes.

(3) The legislature also finds that it is imperative that internal processes within the department of social and health services, including those that guide eligibility determinations, assess hours of service delivery, and measure quality of providers, be examined to ensure that these systems function in the most streamlined and efficient manner with the goal of achieving a system that has greater consistency with regard to expectations and requirements of providers and that is structured to be more person-centered and user-friendly at interface.

Sec. 2. RCW 43.88C.010 and 2020 c 352 s 1 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses

in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) ~~(The)~~ By January 1, 2023, the caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) Beginning with the official forecast submitted in November 2022 and subject to the availability of amounts appropriated for this specific purpose, the caseload forecast council shall forecast the number of individuals who are assessed as eligible for and have requested supported living services, a service through the core waiver, an

individual and family services waiver, and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(11) As a courtesy and for planning purposes only, beginning with the official forecast submitted in November 2022, the caseload forecast council shall forecast the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration.

(12) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

~~((11))~~ (13) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

~~((12))~~ (14) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 71A.18 RCW to read as follows:

(1) Expenditures for the individual and family services waiver and the basic plus waiver as referenced in RCW 43.88C.010 must be considered by the governor and the legislature for inclusion in maintenance level budgets beginning with the governor's budget proposal submitted in December 2022 and funding for these expenditures are subject to amounts appropriated for this specific purpose. The department of social and health services must annually submit a budget request for these expenditures.

(2) Beginning with the governor's budget proposal submitted in December 2022 and within the department's existing appropriations, the department of social and health services must annually submit a budget request for expenditures for the number of individuals who are expected to reside in state-operated living

alternatives administered by the developmental disabilities administration as referenced in RCW 43.88C.010.

NEW SECTION. **Sec. 4.** (1) With consideration to legislative intent to expand community residential settings, and within the department's existing appropriations, the department of social and health services shall examine the need for community respite beds to serve eligible individuals and stabilization, assessment, and intervention beds to provide crisis stabilization services for individuals with complex behavioral needs. No later than October 1, 2022, the department of social and health services must submit a preliminary report to the governor and the legislature that estimates the number of beds needed in fiscal years 2023 through 2025, recommends geographic locations of these beds, provides options for contracting with community providers for these beds, provides options for utilizing existing intermediate care facilities to meet these needs, includes the average length of stay for clients residing in state-operated intermediate care facilities, and recommends whether or not an increase to respite hours is needed. A progress report is due October 1, 2023, and a final report of this information shall be submitted no later than October 1, 2024.

(2) This section expires January 1, 2025.

NEW SECTION. **Sec. 5.** (1) The department of social and health services must contract with a private vendor for a study of medicaid rates for contracted community residential service providers. The study must be submitted to the governor and the appropriate committees of the legislature no later than December 1, 2023, and must include:

(a) A recommendation of rates needed for facilities to cover their costs and adequately recruit, train, and retain direct care professionals;

(b) Recommendations for an enhanced rate structure, including when and for whom this rate structure would be appropriate; and

(c) An assessment of options for an alternative, opt-in rate structure for contracted supported living providers who voluntarily serve individuals with complex behaviors, complete additional training, and submit to additional monitoring.

(2) This section expires January 31, 2024.

NEW SECTION. **Sec. 6.** (1) With consideration to legislative intent to expand community residential settings and within the department's existing appropriations, the department of social and health services shall submit by October 1, 2022, a five-year plan to phase-in the appropriate level of funding and staffing to achieve case management ratios of one case manager to no more than 35 clients. The five-year plan must include:

(a) An analysis of current procedures to hire and train new staff within the developmental disabilities administration of the department of social and health services;

(b) Identification of any necessary changes to these procedures to ensure a more efficient and timely process for hiring and training staff; and

(c) Identification of the number of new hires needed on an annual basis to achieve the phased implementation included in the five-year plan.

(2) This section expires January 31, 2024.

NEW SECTION. **Sec. 7.** (1) Within the department's existing appropriations, and no later than June 30, 2023, the department of social and health services in collaboration with appropriate stakeholders shall develop uniform quality assurance metrics that are applied across community residential settings, intermediate care facilities, and state-operated nursing facilities. The department of social and health services must submit a report of these activities to the governor and the legislature no later than June 30, 2023.

(2) This section expires July 31, 2023.

NEW SECTION. **Sec. 8.** (1) The joint legislative audit and review committee shall:

(a) Review the developmental disabilities administration's existing processes and staffing methodology used for determining eligibility, assessing for eligibility, delivering services, and managing individuals who are waiting for services;

(b) Review best practices from other states regarding eligibility

determination, eligibility assessment, service delivery, management of individuals who are waiting for services, and staffing models; and

(c) Identity options for streamlining the eligibility, assessment, service delivery, and management of individuals who are waiting for services processes and the potential staffing impacts.

(2) The joint legislative audit and review committee shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2022.

(3) This section expires January 31, 2023.

Part 2: Improve Cross-System Coordination

NEW SECTION. Sec. 9. An individual's disability will often overshadow other medical or functional needs which can result in missed connections and poor outcomes. It is the intent of the legislature that cross-system coordination involving individuals with intellectual and developmental disabilities be improved to ensure that these individuals receive the appropriate types of services and supports when they are needed to adequately address mental health conditions, medical conditions, individual preferences, and the natural aging process.

NEW SECTION. Sec. 10. (1) Within the department's existing appropriations, the department of social and health services shall work with the developmental disabilities council to:

(a) Coordinate collaboration efforts among relevant stakeholders to develop and disseminate best practices related to serving individuals with co-occurring intellectual and developmental disabilities and mental health conditions;

(b) Work with Washington state's apprenticeship and training council, colleges, and universities to establish medical, dental, nursing, and direct care apprenticeship programs that would address gaps in provider training and overall competence;

(c) Devise options for consideration by the governor and the legislature to prioritize funding for housing for individuals with intellectual and developmental disabilities when a lack of

affordable housing is the barrier preventing an individual from moving to a least restrictive community setting; and

(d) Coordinate collaboration efforts among relevant stakeholders to examine existing law with regard to guardianship and protective proceedings and make any necessary recommendations for changes to existing law to ensure that guardianship or other protective proceedings are designed to provide individuals with intellectual and developmental disabilities with the decision-making support they require to live as independently as possible in the least restrictive environment, including consideration of mechanisms that enable regular payment for services rendered by these legal representatives when appropriate.

(2) Within the department's existing appropriations, the department of social and health services shall work with the health care authority and Washington state's managed care organizations to establish the necessary agreements for intellectual and developmental disabilities clients who live in the community to access intermediate care facility-based professionals to receive care covered under the state plan. The department of social and health services must consider methods to deliver these services at mobile or brick-and-mortar clinical settings in the community.

(3) No later than October 1, 2022, the department of social and health services shall submit a report describing the efforts outlined in subsections (1) and (2) of this section and any recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2023 legislative session.

(4) This section expires January 31, 2023.

Part 3: Redesign State-Operated Intermediate Care Facilities to Function as Short-Term Crisis Stabilization and Intervention

NEW SECTION. Sec. 11. It is the intent of the legislature that intermediate care facilities be redesigned from long-term care settings to settings that support short-term crisis stabilization and intervention and that, in order to achieve stable, permanent placements in the least restrictive settings possible, an

infrastructure of procedures be developed to ensure that individuals placed in intermediate care settings remain in that setting no longer than is absolutely necessary.

NEW SECTION. Sec. 12. (1) Within the department of social and health services' existing appropriations, the developmental disabilities administration must develop procedures that ensure that:

(a) Clear, written, and verbal information is provided to the individual and their family member that explains:

(i) That placement in the intermediate care facility is temporary; and

(ii) What constitutes continuous aggressive active treatment and its eligibility implications;

(b) Discharge planning begins immediately upon placement of an individual within the intermediate care facility and that the individual and their family member is provided clear descriptions of all placement options and their requirements;

(c) When stabilization services are available in the community, the individual is presented with the option to receive those services in the community prior to being offered services in a state-operated intermediate care facility; and

(d) When the individual has not achieved crisis stabilization after 60 consecutive days in the state-operated intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's care plan.

(2) Subject to funding appropriated specifically for this purpose, the department of social and health services must expand the number of family mentors and establish peer mentors to connect each client in an intermediate care facility with a mentor to assist in their transition planning.

(3) Subject to funding appropriated specifically for this purpose, the department of social and health services must make every effort to ensure the

individual does not lose their community residential services while the individual is receiving stabilization services in a state-operated intermediate care facility. The department of social and health services must:

(a) Work with community residential service providers to provide a 90-day vacancy payment for individuals who are transferred from the community residential service provider to a state-operated intermediate care facility for stabilization services; and

(b) Utilize client resources or other resources to pay the rent for individuals who are facing eviction due to failure to pay the rent caused by the transfer to a state-operated intermediate care facility for stabilization services.

(4) No later than November 1, 2021, the department of social and health services must submit a report describing the efforts outlined in subsections (1) through (3) of this section and make any necessary recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2022 legislative session.

(5) This section expires January 31, 2022."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Leavitt and Thai.

Referred to Committee on Appropriations.

March 23, 2021

SB 5291

Prime Sponsor, Senator Conway:
Concerning the report deadline for the defense community compatibility account.
Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

March 24, 2021

2SSB 5315 Prime Sponsor, Committee on Ways & Means: Concerning captive insurance. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Finance.

March 23, 2021

ESB 5356 Prime Sponsor, Senator Short: Concerning prime contractor bidding submission requirements on public works contracts. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

March 24, 2021

ESSB 5370 Prime Sponsor, Committee on Behavioral Health Subcommittee to Health & Long Term Care: Updating mental health advance directive laws. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Gilday, Assistant Ranking Minority Member Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member and Klippert.

Referred to Committee on Rules for second reading.

March 23, 2021

SSB 5376 Prime Sponsor, Committee on Early Learning & K-12 Education: Promoting awareness of the governor's office of the education ombuds. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the office of the education ombuds within the office of the governor was established by the legislature in 2006 to reduce educational opportunity gaps by supporting families, students, educators, and communities in understanding the K-12 school system and resolving concerns collaboratively. The legislature recognizes that it placed the education ombuds within the office of the governor to ensure independence and impartiality.

(2) The legislature recognizes that the education ombuds provides services including:

(a) Informing students, parents or guardians, employees, and members of the public about the state's public elementary and secondary education system;

(b) Identifying obstacles and recommending strategies to help students and community members to participate effectively in schools;

(c) Identifying and recommending strategies for improving student success;

(d) Referring individuals and families to appropriate resources, agencies, or departments;

(e) Facilitating the resolution of informal complaints made by parents and students with regard to the state's public elementary and secondary education system; and

(f) Serving as the lead agency to provide resources and tools to parents and families about public school antiharassment policies and strategies.

(3) The legislature intends for public schools to annually notify parents or guardians, students, and school employees about these services.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Beginning August 1, 2021, at the time of enrollment or admission in a public school, school district, or institutional education facility, a student and the parent or guardian of the

student must be provided with information about the services available through the office of the education ombuds within the office of the governor established under chapter 43.06B RCW.

(2) (a) Beginning August 1, 2021, each public school must:

(i) Include a link on its website to the education ombuds website with a description of the services provided under chapter 43.06B RCW; or

(ii) Provide a description of the services provided under chapter 43.06B RCW and the contact information for the education ombuds in existing materials that are shared annually with families, students, and school employees, such as welcome packets, orientation guides, and newsletters.

(b) Public schools are encouraged to comply with both (a) (i) and (ii) of this subsection (2).

(3) The education ombuds must annually develop and make a template of the notification information required in this section available upon request. The education ombuds must translate this template into Spanish and include other languages as resources allow.

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

(a) "Institutional education facility" means residential habilitation and child study and treatment centers operated by the department of social and health services, state long-term juvenile institutions operated by the department of children, youth, and families, state-operated community facilities, county juvenile detention centers, and facilities of the department of corrections that incarcerate juveniles committed as adults.

(b) "Public school" has the same meaning as in RCW 28A.150.010."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

SB 5430

Prime Sponsor, Senator Mullet:
Concerning the advanced college tuition payment program. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.95.030 and 2018 c 188 s 2 are each amended to read as follows:

(1) The Washington advanced college tuition payment program shall be administered by the committee on advanced tuition payment which shall be chaired by the director of the office. The committee shall be supported by staff of the office.

(2) (a) The Washington advanced college tuition payment program shall consist of the sale of tuition units, which may be redeemed by the beneficiary at a future date for an equal number of tuition units regardless of any increase in the price of tuition, that may have occurred in the interval, except as provided in subsections (~~((7))~~) (9) and (~~((8))~~) (10) of this section.

(b) Each purchase shall be worth a specific number of or fraction of tuition units at each state institution of higher education as determined by the governing body, except as provided in subsections (~~((7))~~) (9) and (~~((8))~~) (10) of this section.

(c) The number of tuition units necessary to pay for a full year's, full-time undergraduate tuition and fee charges at a state institution of higher education shall be set by the governing body at the time a purchaser enters into a tuition unit contract, except as provided in subsections (~~((7))~~) (9) and (~~((8))~~) (10) of this section.

(d) The governing body may limit the number of tuition units purchased by any one purchaser or on behalf of any one beneficiary, however, no limit may be imposed that is less than that necessary to achieve four years of full-time, undergraduate tuition charges at a state institution of higher education. The governing body also may, at its discretion, limit the number of participants, if needed, to ensure the actuarial soundness and integrity of the program.

March 24, 2021

(e) While the Washington advanced college tuition payment program is designed to help all citizens of the state of Washington, the governing body may determine residency requirements for eligible purchasers and eligible beneficiaries to ensure the actuarial soundness and integrity of the program.

(3) (a) No tuition unit may be redeemed until two years after the purchase of the unit.

(b) Units may be redeemed for enrollment at any institution of higher education that is recognized by the internal revenue service under chapter 529 of the internal revenue code. Units may also be redeemed to pay for dual credit fees.

(c) Units redeemed at a nonstate institution of higher education or for graduate enrollment shall be redeemed at the rate for state public institutions in effect at the time of redemption.

(4) The governing body shall determine the conditions under which the tuition benefit may be transferred to another family member. In permitting such transfers, the governing body may not allow the tuition benefit to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser.

(5) The governing body shall administer the Washington advanced college tuition payment program in a manner reasonably designed to be actuarially sound, such that the assets of the trust will be sufficient to defray the obligations of the trust including the costs of administration. The governing body may, at its discretion, discount the minimum purchase price for certain kinds of purchases such as those from families with young children, as long as the actuarial soundness of the account is not jeopardized.

(6) The governing body shall annually determine current value of a tuition unit.

(7) The governing body shall adopt a unit price of no more than 10 percent, including administrative fees, above the current unit payout value if:

(a) The best estimate funded status of the program provided by the state actuary is in excess of at least 120 percent as of July 1st of each year; and

(b) Tuition and fee increases for the academic year immediately following the July 1st best estimate funded status will be no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous 14 years as the wage is determined by the federal bureau of labor statistics.

(8) For units purchased at the 2020-21 unit price, the governing body shall grant additional units to each account holder equivalent to the difference between the 2020-21 unit price and the 2020-21 unit payout value, after adjusting the unit payout value 10 percent above the current price, including administrative fees, as determined by the governing body.

(9) For the 2015-16 and 2016-17 academic years only, the governing body shall set the payout value for units redeemed during that academic year only at one hundred seventeen dollars and eighty-two cents per unit. For academic years after the 2016-17 academic year, the governing body shall make program adjustments it deems necessary and appropriate to ensure that the total payout value of each account on October 9, 2015, is not decreased or diluted as a result of the initial application of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess. In the event the committee or governing body provides additional units under chapter 36, Laws of 2015 3rd sp. sess., the committee and governing body shall also increase the maximum number of units that can be redeemed in any year to mitigate the reduction in available account value during any year as a result of chapter 36, Laws of 2015 3rd sp. sess. The governing body must notify holders of tuition units after the adjustment in this subsection is made and must include a statement concerning the adjustment.

~~((9))~~ (10) The governing body shall allow account owners who purchased units before July 1, 2015, to redeem such units at the unit cash value price provided that all the redeemed funds are deposited immediately into an eligible Washington college savings program account established by the governing body. Within ninety days of April 15, 2018, the committee, in consultation with the state actuary and state investment board, shall:

(a) Establish a period that is not less than ninety days during which eligible

purchasers may redeem units at the unit cash value price for the purposes of this subsection and provide at least thirty days' notice prior to the ninety-day window to all eligible account holders about the redemption option; and

(b) Establish the unit cash value price. The committee, in consultation with the state actuary and the state investment board, may revalue the unit cash value price established in this subsection (~~((9))~~) (10)(b) up to three times during the ninety-day period in which eligible purchasers may redeem units for the unit cash value price.

~~((9))~~ (11)(a) After the governing body completes the requirements of subsection (~~((9))~~) (10) of this section, the governing body shall adjust, by March 1, 2019, all remaining unredeemed units purchased before July 1, 2015, as follows:

(i) First, the governing body shall take the difference between the average unit purchase price in each individual's account and the 2016-17 unit payout value and increase the number of units in each individual's account by a number of units of equivalent total value at the 2017-18 unit purchase price, if the average unit purchase price is more than the 2016-17 unit payout value; and

(ii) Second, after (a)(i) of this subsection is completed, the governing body, with assistance from the state actuary, shall grant an additional number of units to each account holder with unredeemed and purchased units before July 1, 2015, in order to lower the best-estimate funded status of the program to one hundred twenty-five percent, subject to a limit of an increase of fifteen percent of unredeemed and purchased units per account holder. The state actuary shall select the measurement date, assumptions, and methods necessary to perform an actuarial measurement consistent with the purpose of this subsection.

(b) For the purpose of this subsection (~~((9))~~) (11), and for account holders with uncompleted custom monthly contracts, the governing body shall only include purchased and unredeemed units before July 1, 2015.

~~((10))~~ (12) The governing body shall collect an amortization fee as a component of each future unit sold whenever the governing body determines amortization fees are necessary to

increase the best-estimate funded status of the program.

~~((11))~~ (13) The governing body shall promote, advertise, and publicize the Washington advanced college tuition payment program. Materials and online publications advertising the Washington advanced college tuition payment program shall include a disclaimer that the Washington advanced college tuition payment program's guarantee is that one hundred tuition units will equal one year of full-time, resident, undergraduate tuition at the most expensive state institution of higher education, and that if resident, undergraduate tuition is reduced, a tuition unit may lose monetary value.

~~((12))~~ (14) In addition to any other powers conferred by this chapter, the governing body may:

(a) Impose reasonable limits on the number of tuition units or units that may be used in any one year;

(b) Determine and set any time limits, if necessary, for the use of benefits under this chapter;

(c) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(d) Appoint and use advisory committees and the state actuary as needed to provide program direction and guidance;

(e) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;

(f) Consider the addition of an advanced payment program for room and board contracts and also consider a college savings program;

(g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property, assets, or activities or to further insure the value of the tuition units;

(h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter;

(i) Contract for the provision for all or part of the services necessary for the management and operation of the program with other state or nonstate entities authorized to do business in the state;

(j) Contract for other services or for goods needed by the governing body in the conduct of its business under this chapter;

(k) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;

(l) Solicit and accept cash donations and grants from any person, governmental agency, private business, or organization; and

(m) Perform all acts necessary and proper to carry out the duties and responsibilities of this program under this chapter."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Hansen; Hoff; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., March 26, 2021, the 75th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk